

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS.

JUNE 6, 1900.—Referred to the Committee on Indian Affairs and ordered to be printed.

Mr. KYLE presented the following

PAPERS RELATIVE TO AN AGREEMENT WITH THE TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS IN NORTH DAKOTA.

Senate Report No. 693, Fifty-sixth Congress, first session.

Mr. McCumber, from the Committee on Indian Affairs, submitted the following report, to accompany S. 161:

The Committee on Indian Affairs, to whom was referred the bill (S. 161) to ratify and confirm an agreement with the Turtle Mountain Band of Chippewa Indians in the State of North Dakota, and to make appropriation for carrying the same into effect, submit the following report:

The Ojibwa or Chippewa Nation at one time occupied a vast expanse of territory in northern Wisconsin, Minnesota, and North Dakota, extending as far as the Missouri River. Portions of this tract of country were from time to time acquired by the United States Government until there was left only that portion lying west and north of Devils Lake in North Dakota, hereinafter more particularly specified. This unceded portion was occupied by the Turtle Mountain Band of Chippewas. This band, though claiming all of the tract hereinafter described, and using the same as hunting grounds, had their headquarters and winter quarters in the said Turtle Mountains, a tract of country about 40 by 70 miles, interspersed with lakes, the land portion being covered with timber. The land embraced in this claim constituted some of the finest farming land in the State of North Dakota. From time to time, prior to 1892, the Government had sought to secure a relinquishment of the Indian title to said tract of land from this band, but without success. This vast section, being obviously more than was necessary for the occupancy of this band of Indians, as white settlements were extending westward, the Government from time to time caused portions of this land to be surveyed and opened to settlement, and finally, by Executive order, the said band of Indians were forced to occupy two townships.

Attempts were also made by the Government to secure the consent of these Indians for their removal to some other reservation. The

said band seemed greatly attached to their home, and no amount of persuasion could induce them to remove therefrom; and finally, in 1892, by act of Congress a commission was appointed by the President to secure the relinquishment of the Indian title to all territory claimed in the State of North Dakota, and to induce this band to remove to some other location.

The said commission was by the Department also charged with the duty of making a census of said band, and to separate certain Canadian Chippewas and half-breeds therefrom. Said commission was also charged with the duty of ascertaining and reporting upon the title and extent of title of said band of Chippewas to the territory claimed by them, there being a dispute as to the extent of their domains. The said commission, after making an enumeration of the members of said band, struck off from prior lists of the individuals of said band about 300 individuals, leaving as constituting the American band of Turtle Mountain Indians. The said commission then secured the treaty set out in this bill, which treaty was signed October 22, 1892. The number of said band has perhaps increased somewhat since that treaty was signed.

The commission then made a most thorough examination into the merits of the title and the extent of the territory embraced in the Indian title, and were forced to the conclusion that said Indian band held Indian title to the following-described territory in said State:

Commencing on the international boundary line between Canada and the United States at a point 5 miles west of the Grand Cote; thence southerly in a direct line to the most westerly source of the Goose River; thence in a line running from the source thereof in a westerly course, passing through the center of Devils Lake and continuing its westerly course to Maison du Chine; from thence in a north-westerly direction, striking a point on the Missouri River within gunshot sound of the Little Knife River; thence north to the said international boundary; thence east along said line to the place of beginning, containing between 8,000,000 and 10,000,000 acres.

EXTRACTS FROM REPORT OF TURTLE MOUNTAIN INDIAN COMMISSION.

By the terms of article 2 of the treaty of February 9, 1867, with the Sisseton and Wahpeton bands, the claims of lands by the last-mentioned tribe is bounded as follows:

"Bounded on the south and east by the treaty line of 1851 and the Red River of the North to the mouth of Goose River; on the north by Goose River and a line running from the source thereof by the most westerly point of Devils Lake to the Chiefs Bluff, at the head of James River, and on the west by the James River to the mouth of Moccasin River, and then to Kampeska Lake."

None of this section lying north and west of the north line mentioned in the last description has ever been ceded by any band of Indians to the United States. Territory on the south and east had by prior treaties been ceded.

A question arose as to the boundary line of the unceded territory. The two principal treaties bearing upon the boundary line between the Turtle Mountain Indians and other tribes, and also the territory actually ceded, are the one of September 20, 1851, made with the Red Lake and Pembina Chippewas, and the one of February 9, 1867, made with the Sisseton and Wahpeton bands of Sioux.

By the first-mentioned treaty the Red Lake and Pembina bands ceded to the United States a tract of country about 120 miles in length by 65 miles in width, intersected near its center by the Red River of the North. The southern and western boundary of that portion of the cession lying west of the Red River is as follows: "Up said (Goose) river to its most westerly source, following the south branch thereof; thence northwardly in a direct line to strike a point on the international boundary line 5 miles west of the Grand Cote." In the cession of the lands to the Government by

these bands in 1851 and 1853 they especially retained the lands north and west of these boundaries.

By the terms of article 2 of the treaty of February 9, 1867, with the Sisseton and Wahpeton bands the claim of lands by the last-mentioned tribe is bounded as follows: Bounded on the south and east by the treaty line of 1851, and the Red River of the North to the mouth of Goose River; on the north by the Goose River and a line running from the source thereof by the most westerly point of Devils Lake to the Chiefs Bluff, at the head of James River; and on the west by James River to the mouth of Moccasin River and then to Kampeska Lake.

Lest there might be some difficulty or misunderstanding as to the extent of territory ceded by either the Sioux or Chippewas, an agreement was entered into between these tribes more than *fifty years ago*, the original of which is still in the possession of one Wanata, hereditary chief of the Sisseton Band of Sioux, and is as follows, to wit:

"We, Ojoupay (Sweet-corn, son of Ojoupay), second chief of the Sisseton and Yankton tribe of Dakotas, and Wahnatah (He who rushes on) son of Wahnatah, first chief of the Sisseton and Yankton tribes of Dakotas, do hereby declare that we intend to abide by the articles of the treaty entered into by our fathers, represented by Chief Wahnatah with the Chippewas, represented by Chief Emay das kah (Flat Mouth) at Prairie du Chien, about thirty-three years ago, by which treaty the boundary line dividing the lands of the two nations (the Chippewas and Dakotas) was established and agreed upon.

"We further declare that it is within our recollection that after the above-mentioned treaty was agreed upon the boundary line has ever been known to us and our people to have been as follows: Commencing at the mouth of the river Wahtab, thence ascending its course and running through Lake Wahtab; from thence taking a westerly course and passing through the fork of Sauk River; thence running in a northerly direction through Otter Tail Lake and striking the Red River at the mouth of Buffalo River; thence following the course of the Red River down to the mouth of Goose River; thence ascending the course of Goose River up to its source; after leaving the Lake, continuing its westerly course to Maison du Chine; from thence taking a northwesterly direction to its terminus at a point on the Missouri River within gunshot sound of Little Knife River."

This leaves, as near as this commission can ascertain, a tract of land between 8,000,000 and 10,000,000 acres, lying north and west of Devils Lake, the Indian title to which has never been ceded to the Government, and which is claimed by the Chippewas and their right recognized by neighboring tribes. There are many other records recognizing both this boundary and the Chippewa claim, to which we need not here refer.

This commission is therefore forced to report that the Turtle Mountain Band of Chippewa Indians have as valid an original Indian title to this entire tract of land as any Indian tribe had to any tract. The band insists on this claim, and asks the commission to show that it is not both valid and just; and in support of their claim that the amount agreed upon is but a meager sum as compared with what the Government has paid for the relinquishment of the Indian title to other tracts, they argue that the Government is in fact paying but 10 cents per acre for land a large portion of which is classed among the best agricultural land in the State, while, on the other hand, the Government has lately contracted to pay the Arickarees, Mandans, and Gros Ventres bands, whose combined number is only 1,135, the sum of \$800,000 for 1,600,000 acres of land which, on account of the limited rainfall, is almost worthless; that the Government pays the Fort Totten Sioux \$2.50 per acre for land which at the least is no better than the Turtle Mountain country, and also pays the Wahpeton and Sisseton bands of Sioux \$2.50 per acre for land ceded by them.

If the Indian claim to land can be considered as having any legal basis (and the Government has certainly by its acts recognized it to such an extent as to give the claim the sanction due to a vested Indian title), the commission is forced to agree that, as a matter of justice, when measured by treaties with other Indian tribes, the amount agreed upon is very reasonable and exceedingly favorable to the Government.

In view of the fact that the Government has paid other tribes quite liberally for their claims, the commission believes that the sum of \$1,000,000, which was the lowest sum it could secure under present circumstances, should be paid for the relinquishment.

If the claim is well founded, the rejection of this or any smaller sum which would be acceptable to them as a consideration for their relinquishment would seem to the commission to lay the Government open to the charge of no little partiality, exercised in favor of Indians hitherto hostile, and against a tribe which has hitherto

not only been friendly, but whose members have largely assisted the Government in its conflicts with hostile tribes. (See report of said commission, embodied in President's message, February 6, 1893, pp. 19 and 20.)

It is estimated that about 13,000 acres of these two townships are fitted for agricultural purposes. The balance is woodland, interspersed with small lakes, the proportion of land and water surface being about the same. This condition is true of all the Turtle Mountains proper. The intricate connection of lake with lake and woodland with woodland is such as to render it exceedingly impracticable, if not impossible, to travel any great distance through the mountains, except in winter time. The tillable lands lie in the prairie country contiguous to the foothills. (See report of said commission, embodied in President's message, February 6, 1893, p. 19.)

Your committee believe that a more favorable treaty could not possibly be made with said band of Indians, and also believe that, in view of the fact of the long-continued efforts of the Government to adjust this matter with said tribes, the treaty made with said Indians should be ratified, and therefore recommend that the bill pass, and that Senate bill No. 624 and Senate bill No. 1932, relating to the same subject-matter, be indefinitely postponed.

Statement of the case by John B. Bottinea, attorney for the Turtle Mountain Indians, Senator P. J. McCumber, a member of said committee, being present with the committee.

There is now pending, for consideration by your honorable committee, Senate bill 161, present session, to ratify and confirm the agreement of October 22, 1892, with the Turtle Mountain Band of Chippewa Indians, and to make appropriation for carrying the same into effect; also Senate bill No. 1932, same session, to provide for the relinquishment by said Indians of their unceded lands in the State of North Dakota, and for other purposes; also Senate bill No. 624, same session, with the amendments to be proposed for referring the claim of said Turtle Mountain Chippewa Indians to the Court of Claims for adjudication.

BOUNDARIES.

The boundaries of the Turtle Mountain Band of Pembina Chippewa Indians' claim are as follows, to wit:

All that part of the country bounded on the north by the national boundary line between the United States and the British Possessions; on the east by the western boundary of the lands ceded by said Indians to the United States under the treaty concluded jointly with the Red Lake Chippewa Indians October 2, 1863; on the south by the Cheyenne River to its head waters or source; thence in a west-north-westerly direction to the head waters of Little Knife River, a tributary of the Missouri River; thence due north to said national boundary line between the United States and the British Possessions.

POPULATION.

The population of the Turtle Mountain Band of the Pembina Chippewa Indians, as claimed by themselves, is about 3,200 individuals—men, women, and children—including those who are now living away from the Turtle Mountains and in different parts of Dakota, Minnesota, and Montana, numbering in all about 500 individuals, the majority of whom are in Montana.

From the report of the commission appointed on the 4th of October, 1890, under the provision of the act of Congress approved August 19, 1890 (26 Stats., 354), of which commission Hon. A. H. Mahone, of West Virginia, was chairman, showed that the census having been taken, it appeared from the summary thereof that the total at the time was 2,327, including full and mixed bloods on and off the reservation.

The report of the commission appointed under the provisions of the Indian appropriation act of July 13, 1892, of which the Hon. P. J. McCumber was chairman, shows the following, to wit:

The population of the Turtle Mountain Band of Pembina Chippewa Indians living upon the reservation at the time (October 22, 1892) the agreement described and incorporated in Senate bill No. 161, present session, was concluded, is shown from the census and report of the commissioners, which says that they were "unable to reduce the number of both full and mixed bloods to less than 1,759 individuals."

However, the population and condition of said Turtle Mountain Indians at the time the said agreement was concluded, October 22, 1892, is more completely shown from the census and report of the honorable Commissioner of Indian Affairs for the year 1891 (vide, vol. 1, p. 319), as follows, to wit: The full and mixed-blood Indians living upon the reservation, 351 families, numbering 1,526 individuals, of which 414 were children of school age (6 to 16 years). Also 134 families of mixed-blood Indians, numbering 618 individuals, 199 of these being of school age (6 to 16 years), scattered and living among their white invaders upon the township 161, ranges 69, 70, 71, and 72; township 162, ranges 72 and 73; township 163, ranges 70, 71, 72, and 73; and fractional township 164, ranges 70, 71, and 72. All said townships were embraced in their first or original reservation (see Executive order accompanying papers No. 12 hereof), but were subsequently cut off from the present reduced reservation of two townships, making a great total of 2,144 individuals—men, women, and children.

WE ASK JUSTICE UPON THE MERIT OF THIS CLAIM.

In order to render the Indians justice by way of legislation it is incumbent, and I insist, that the merit of their claim should be first considered and determined; then, and not until after the determination of the merits of their claim, should said agreement or the bills now pending be considered, and when said bills are taken up for consideration I hope the expressed wish of our chief, Little Shell, and his councilmen (the proper authority of the tribe) shall be duly considered.

As to the merit of their claim, I submit that it is not necessary for me to cite the great number of authorities in the way of history, legislation, and decisions of courts thereon in order to sustain my case before your honorable committee, because the question of possessory occupation and the original title of the Indians to the public domain of this country having been recognized by all European nations and so well settled by our courts becomes, comparatively speaking, to a lawyer his alphabet of law. However, to ascertain the merit and validity in law of the claim of the Turtle Mountain Indians to the country hereinbefore described, it is necessary to consider the abstract of the historical together with all other record evidences of their possessory occupation of the country claimed against all other neighboring Indian tribes.

To that end I respectfully submit for your consideration an abstract of evidences of title and of the possessory occupation of the country claimed in the form of a series of extracts deduced from the journals, narratives, and reports of those explorers who were engaged in ventures of discovery, fur trading, and other expeditions through and in that part of the territory of the United States, and who came in contact with the aboriginal population then inhabiting the country, notably:

Extracts from the manuscript journals of Alexander Henry, a fur trader of the Northwest Company, and of David Thompson, official geographer and explorer of the same company (Coues's edition), regarding the people, both white and Indians, inhabiting the country claimed by said Indians during the period of their fur trade and other operations in that part of the country from the year 1787 to 1814, inclusive, also showing that Mr. Henry's wife was an Indian woman of the Upper Red River Chippewas and that his "beau-pere" (father-in-law), Le Liard, of Little Shell's band, a leading and one of the principal men of the tribe, was killed, with his family and several others of his small camp, on Tongue River by a war party of Sioux (pp. 260-263).

Extracts from the narratives of John Tanner's Thirty Years' Captivity among the Indians, and his adventures among the Red River Indians (Turtle Mountain and Pembina bands), covering about the same period, showing that Chief Little Clam (Shell), the grandfather of our present Chief Little Shell, was killed at his home or village at Devils Lake, in a battle with a war party of the Sioux in 1804. (See narrative of the battle, Tanner's, p. 178, Edwin James ed., 1830; also see Coues, 427.)

A list of the several trading posts established for the purpose of carrying on trade with said Indians within the boundaries of the territory claimed, showing that there was established and maintained not less than eight trading houses or posts within the territory claimed during the period intervening from 1794 to 1814, and some of these trading posts were maintained until 1865 exclusively for the Indian trade with said Indians.

The census report of the Northwest population by the Northwest Company in 1805, showing that the population of the upper Red River (said Indians) at that time numbered 5,060 souls, including 56 white men, 52 wives (Indian women), and 82 children, while the Indian population of lower Red River numbered only 775, including 75 white men, 40 Indian wives, and 60 children.

Extracts from Captains Lewis and Clarke's travels to the source of the Missouri River and across the American Continent in the years 1804, 1805, and 1806, especially

with reference to the muster rolls of his voyageurs, hunters, and other employees, showing that the majority was comprised of French, Canadian Frenchmen, and half-breed Indians of the Red River people (the so called), the parents or progenitors of the present population of mixed bloods or half-breed Indians of the said Turtle Mountain Band.

Extracts from Gen. Z. M. Pike's Narrative Journal and Report regarding the Indians of that part of the then Minnesota Territory, showing the names of a great number of white men, who may be identified by the tribe as the parents or progenitors of the present half-breed population of the Turtle Mountain Indians.

Extracts from Daniel W. Harman's Journal of the Voyages and Travels in the Interior of North America, published in 1820; a narrative of his Red River trading operations within the territory claimed by said Turtle Mountain Band of Chippewa Indians and the valor of "the Bois Brules (said half-breed Indians) of the upper Red River," evidencing their possessory occupation of that part of the country (pp. 112-265) before the last century.

Extracts from Maj. Stephen H. Long's U. S. T. E. Narrative Journal and report of an expedition to the source of St. Peters River, Lake Winnepeek, Lake of the Woods, in 1823, showing that "Bois de Sioux" was supposed to be the northern limits of the Sioux country to that time, in 1823; also giving a geographical description of the inhabitants therein.

Extracts from Capt. John Pope, topographical engineer; map and report of his explorations of the Territory of Minnesota, embracing the valley of the Red River of the North, in the summer of 1849, giving a history and description of the settlements of the half-breeds and the Indians inhabiting that part of the Territory, recommending the building of a military post, etc., for their protection against the encroachments of the British Indians and by the Hudson Bay Company.

Extracts from the report of his excellency, Alexander Ramsey, governor and ex-officio superintendent of Indian affairs in Minnesota Territory (Ex. Doc. 5, Thirty-first Congress, first session, October 13, 1849), showing the appeal of said Indians for protection by the Government against the encroachments of the Hudson Bay Company and Canadian Indians.

Extracts from the report of August 6, 1851, from the Hons. L. Lea and Alexander Ramsey, commissioners on the part of the United States to negotiate with said Dakota or Sioux Indians, reporting said treaty of July 23, 1851, to the Hon. Alex. H. H. Stewart, Secretary of the Interior, showing that the Wahpeton and Sisseton bands of Sioux Indians had by said treaty ceded all their lands in the State of Iowa, also all their lands in the Territory of Minnesota extending to the Chippewas' country, thereby separating said Sioux Indians from their dreaded enemies, the Chippewas, by a large tract of country then ceded to the United States.

Extracts from the History, Conditions, and Prospects of the Indian Tribes of the United States, prepared under the direction of the Department of Indian Affairs, under act of March 3, 1847, by Henry R. Schoolcraft, 1854, showing the possessory occupation by said Indians of the country claimed.

Extracts from the report of the treaty made with the Pembina Indians, at Pembina, by Alexander Ramsey, September 20, 1851 (which was not ratified), showing the condition of said Indians and half-breeds and their prospects and worth to this Government as American citizens.

Extracts from Masson's *Les Bourgeois de la Compagnie du Nord Ouest*, first series, 1889, also showing the possessory occupation of said country by said Indians prior to the last century.

A letter addressed by the Rev. G. A. Belcourt, V. G., to the Commissioner of Indian Affairs, dated at Washington, D. C., November 20, 1854 (vide House Ex. Doc. 1, vol. 1, part 1, pp. 278-280, second session Thirty-third Congress), being one of the papers, No. 24, accompanying said Commissioner's report, which letter shows the loyalty of said half-breed and full-blood Indians to the Government of the United States. From this fact may be seen that gross injustice has been done by the Government's agents in denying the rights and privileges of said half-breed Indians, in common with said Turtle Mountain band, upon the presumption that they are mostly, if not all, British Indians. I submit that it is the chief and his councilmen who are competent to judge and say who is a member of his tribe, and not the Government's agent nor his petit committee, so called. These questions will be considered and settled by themselves when the time for distribution comes.

Besides a number of other evidences, the narrative journals and reports aforementioned regarding said Indians and the peoples inhabiting that part or portion of the territory of the United States claimed by the Turtle Mountain Band of Chippewa Indians have been invariably incorporated into the official records of the War and other Executive Departments of the Government, and in the records of the proceedings of our national Congresses since this Government was created.

From these evidences of fact (which is law, *lex non scripta* and *lex scripta*) may be deduced the abstract of title of the Turtle Mountain Band of Pembina Chippewa Indians in the State of North Dakota to all the lands described and claimed by them in said State, which I do hereby submit as conclusive evidence, incontrovertible and overwhelming.

Upon these facts of the possessory occupation by said Indians of the country claimed by them we rest our case, and we appeal to all fair-minded and patriotic citizens and to our national Congress for a fair and just settlement of this claim, without discrimination, in proportion to the price or prices which the Government has paid and is now paying to other tribes of Indians for a like interest and for similar lands.

Wherefore, and from the above facts alleged, said agreement, or Ten-cent treaty, so-called, which is incorporated in said Senate bill No. 161, present session, and now pending, should not for a moment be considered, except as being an act of inadvantage on the part of the Government officials and the Executive, in having recommended the same to Congress for its consideration, notwithstanding the notice thereto annexed by the attorney-general, George H. Shiels, that the commission had "failed to accomplish the purposes contemplated by the act of Congress authorizing its appointment" * * * and that "the Indian title to the lands to be ceded had not been investigated by me" (him). However, since its conclusion, October 22, 1892, said agreement has vexed the Turtle Mountain Indians to a greater extent than has the Clayton-Bulwer treaty the American people to-day.

This alleged agreement, if ratified by Congress, would not only perpetrate the grossest injustice to said Indians, but would also lay the Government open to the charge of being inconsistent with its dignity or not honorable to its humanity, and of exercising no little partiality in favor of Indians hitherto hostile and against a tribe hitherto not only friendly, but one whose members have largely assisted the Government in its conflict with hostile tribes, and who, moreover, have rendered their services to protect the interests of the Government against the array of Canadian smugglers along our national boundary.

"Render unto Cæsar the things that are Cæsar's," and we shall have ample means to repay the Government every dollar it has expended on account of the Turtle Mountain Indians and still have a competency left to provide for their maintenance, improvement, and development according to the ideal of the Indian policy of the Government.

For which we ever pray.

Respectfully submitted.

J. B. BOTTINEAU,

Attorney for the Turtle Mountain Indians,
315 A street NE., Washington, D. C.

ACCOMPANYING PAPERS.

[The Turtle Mountain Band of Chippewa Indians before the Committee on Indian Affairs, United States Senate, Fifty-sixth Congress, first session.]

List of the official and other papers to accompany Senate Report No. 693, by Mr. McCumber, from the Committee on Indian Affairs, upon Senate bill 161, Fifty-sixth Congress, first session.

No. I, B and C.—The commissioners' report of the agreement concluded October 22, 1892, with the Turtle Mountain band of Chippewa Indians, with copy of Department letter, June 7, 1892, of Hon. H. Price, Commissioner of Indian Affairs, to the Secretary of the Interior, thereto annexed, and a copy of the draft of the bill to ratify and confirm said agreement, with the amendments to be proposed as incorporated in said bill No. 161, present session, and to make provisions for carrying the same into effect. (Designated as No. I, B and C.)

No. II.—The protest of the Turtle Mountain Band of Chippewa Indians against the ratification by Congress of said agreement, concluded October 22, 1892, with the accompanying documents of record in the Interior Department and other papers, to wit, a copy of the minutes of the council's proceedings of said Turtle Mountain Indians, October 24, 1892, protesting against the ratification of said agreement. (No. II and D.)

No. III, D, E, F, G, H, I, K, L, and M.—Copy of document and other official papers on record in the Department of the Interior, showing the population of said Indians,

their conditions, and their strenuous objections against ratification by Congress of said agreement as in said Senate bill 161, Fifty-sixth Congress, first session, therein provided.

No. IV.—A list of the several trading posts established for the purpose of carrying on trade with said Indians within the boundaries of the territory claimed by them, showing that there was established and maintained not less than eight trading houses or posts within the territory claimed during the period intervening from 1794 to 1814, and some of these trading posts were maintained until 1865, exclusively for the Indian trade with said Indians.

No. V.—The census report of the Northwest population by the Northwest Company in 1805, showing that the population of the Upper Red River (said Indians) at that time numbered 5,060 souls, including 56 white men, 52 wives (Indian women), and 83 children, while the Indian population of Lower Red River numbered 775, including 75 white men, 40 wives, and 50 children. Also list showing returns from the several trading posts.

No. VI.—Extracts from the manuscript journals of Alexander Henry, a fur trader of the Northwest Company, and of David Thompson, official geographer and explorer of the same country, regarding the people, both white and Indians, inhabiting the country claimed by said Indians during the period of their fur trade and other operations in that part of the country from the year 1787 to 1814, inclusive, also showing that Mr. Henry's wife was an Indian woman of the Upper Red River Chippewas, and that his "beau-pere" (father-in-law), Le Liard, of Little Shell's Band, a leading and one of the principal men of the tribe, was killed, with his family and several others of his small camp, on Tongue River by a war party of Sioux. (Pp. 260-263.)

No. VII.—Roster of the Park River Trading Post and Red River Brigade of Mr. Henry and Northwest Company; also the additional list of the names of both French and Canadian voyageurs listed and employed by said company, who had Indian wives belonging to said Red River Indians, and who were inhabiting the country claimed by said Indians when at home or unemployed, during the period of fur trading by said company from 1794 until 1814, and no doubt were the ancestors of a great majority of the present mixed bloods of said Turtle Mountain Indians.

No. VIII.—Extracts from the narratives of John Tanner's Thirty Years Captivity among the Indians and his adventures among the Red River Indians (Turtle Mountain and Pembina bands), covering about the same period, showing that Chief Little Clam (Shell), the grandfather of our present Chief Little Shell, was killed at his home or village at Devils Lake in a battle with a war party of the Sioux in 1804. (See narrative of the battle, Tanner's, p. 178, Edwin James ed., 1830; also see Coue's, 427.)

No. IX.—Extracts from Captains Lewis and Clarke's travels to the source of the Missouri River and across the American continent in the years 1804, 1805, and 1806, especially with reference to the muster rolls of his voyageurs, hunters, and other employees, showing that the majority was comprised of French, Canadian Frenchmen, and half-breed Indians of the Red River people (the so called), the parents or progenitors of the present population of mixed-blood or half-breed Indians of the said Turtle Mountain Band.

No. X.—Extracts from Maj. Stephen H. Long's U. S. T. E. Narrative Journal and report of an expedition to the source of St. Peters River, Lake Winnepeek, Lake of the Woods, in 1823, showing that "Bois de Sioux" was supposed to be the northern limits of the Sioux country to that time, in 1823; also giving a geographical description of the inhabitants therein.

No. XI.—Extracts from Capt. John Pope, topographical engineer; map and report of his explorations of the Territory of Minnesota, embracing the valley of the Red River of the North, in the summer of 1849, giving a history and description of the settlements of the half-breeds and the Indians inhabiting that part of the Territory, recommending the building of a military post, etc., for their protection against the encroachments of the British Indians and by the Hudson Bay Company.

No. XII.—Extracts from the Indian Office annual report for the year 1849, of his excellency Alex. Ramsey, ex officio superintendent of Indian affairs, Minnesota Territory. (Ex. Doc. 5, Thirty-first Congress, first session.)

The Ojibways' conquest of the Dakota (or Sioux) Nation.

No. XIII.—Extracts from the report of his excellency Alexander Ramsey, governor and ex officio superintendent of Indian affairs in Minnesota Territory (Ex. Doc. 5, Thirty-first Congress, first session, October 13, 1849), showing the appeal of said Indians for protection by the Government against the encroachments of the Hudson Bay Company and Canadian Indians.

No. XIV.—Extracts from the report of August 6, 1851, from the Hons. L. Lea and Alexander Ramsey, commissioners on the part of the United States to negotiate

with said Dakota or Sioux Indians, reporting said treaty of July 23, 1851, to the Hon. Alex. W. H. Stewart, Secretary of the Interior, showing that the Wahpeton and Sisseton bands of Sioux Indians had by said treaty ceded all their lands in the State of Iowa, also all their lands in the Territory of Minnesota extending to the Chippewa's country, thereby separating said Sioux Indians from their dreaded enemies, the Chippewas, by a large tract of country then ceded to the United States.

No. XV.—A letter addressed by the Rev. G. A. Belcourt, V. G., to the Commissioner of Indian Affairs, dated at Washington, D. C., November 20, 1854 (vide House Ex. Doc. 1. vol. 1, part 1, pp. 278-280, second session Thirty-third Congress), being one of the papers, No. 24, accompanying said Commissioner's report, which letter shows the loyalty of half-breed and full-blood Indians to the Government of the United States. From this fact it may be seen that gross injustice has been done by the Government's agents in denying the rights and privileges of said half-breed Indians, in common with said Turtle Mountain Band, upon the presumption that they are mostly, if not all, British Indians. I submit that it is the chief and his councilmen who are competent to judge and say who is a member of his tribe, and not the Government's agent nor his petit committee, so called. These questions will be considered and settled by themselves when the time for distribution comes.

No. XVI.—Department letter, July 6, 1893, from D. M. Browning, Commissioner of Indian Affairs, to the honorable Secretary of the Interior, relative to the removal of trespassers from the Turtle Mountain Indian Reservation, saying that it has never been profitable to drive a hard bargain with the Indians or to take advantage of their inexperience and comparative helplessness, suggesting that the "consistency of our judicial economy demands for them their 'day in court' in cases where their rights as Americans are in controversy." Also referring to the Commissioner's report showing that according to the census there were belonging to the band at that time 2,327 full and mixed bloods on and off the reservation, and 522 stricken off the rolls.

No. XVII.—Department letter of February 4, 1881 (reference "L," Devils Lake, M. 2342), from Hon. E. M. Marble, Acting Commissioner of Indian Affairs, to Maj. James McLaughlin, United States Indian agent, Devils Lake, to ascertain the present needs and wishes of the Turtle Mountain Indians in the selection of a permanent reservation, etc.

No. XVIII.—Report of Maj. James McLaughlin, United States Indian agent, Devils Lake Agency, N. Dak., March 15, 1881, to Hon. Thomas M. Nichols, Acting Commissioner of Indian Affairs, in reply to Mr. Marble's letter recommending certain reservation to be selected within the bend of Mouse River, which the Indians would accept.

No. XIX.—Executive order, December 21, 1882, to set aside a reservation of about 32 miles from north to south, by 24 miles from east to west, for the use and occupancy of the Turtle Mountain Band of Chippewa Indians, embracing the Turtle Mountains and their homes and their improvements therein, and the subsequent order reducing the same to two townships now occupied by them.

No. XX.—Extract from a letter of Right Rev. William D. Walker, of North Dakota, a member of the Board of Indian Commissioners, to Gen. Clinton B. Fisk, chairman of the board of said commissioners, dated at Fargo, N. Dak., December 30, 1887, reporting the conditions of the Turtle Mountain Indians.

No. XXI.—Copy of Department letter, February 14, 1882, from Hon. H. Price, Commissioner of Indian Affairs, by reference, for a report, of a letter of December 29, 1881, from Lieut. H. M. Creel, United States Army, addressed to Hon. William Windom, United States Senate, to the honorable Secretary of the Interior.

No. XXII.—Department letter, March 11, 1882, from Hon. H. Price, Commissioner of Indian Affairs, by reference, for a report, of a letter from the chairman of the United States Senate Committee on Indian Affairs, inclosing Senate bill No. 925, to provide for the support and civilization of the Turtle Mountain Chippewa Indians, and to extinguish their title to lands claimed by them in the Territory of Dakota.

No. XXIII and K.—Copy of the preamble and resolutions of the Turtle Mountain Indians, dated January 7, 1891, with a copy of the Department letter by Mr. R. V. Belt, Acting Commissioner of Indian Affairs, dated September 21, 1891, to the honorable Secretary of the Interior.

No. XXIV.—Copy of the resolutions and proceedings of the grand council of January 29, 1892, reaffirming the proceedings and resolutions of the grand council of January 7, 1891.

No. XXV.—Minutes of the grand council's proceedings of December 6 and 8, 1893, of the Turtle Mountain Band of Chippewa Indians, for the purpose of hearing the report of their attorney and to discuss the ways and means for the prosecution of their claim, and such other business as might come before the meeting, which

minutes contain the statement of a murder of a member of the Turtle Mountain Indians by a white man, who, by neglect or otherwise, was permitted to go unpunished.

No. XXVI.—A copy of an official paper compiled by Mr. R. V. Belt, chief of the Indian division of the Department of the Interior, giving the historical information relative to the Turtle Mountain Indians, prepared and submitted for the information of the Secretary, November 13, 1888.

No. XXVII.—Memorial of the citizens of North Dakota praying for legislation authorizing the removal of the Chippewa Indians from Turtle Mountain and the settlement of their claim to lands in that region. Presented in United States Senate by Mr. Hansbrough, February 18, 1892.

No. XXVIII.—Petition of citizens of North Dakota praying for the ratification of the treaty with the Turtle Mountain Band of Chippewa Indians, relative to the disposition of certain lands in the Devils Lake land district. Presented in the United States Senate by Mr. Hansbrough, April 22, 1896.

No. XXIX.—Petition of the officials and other business citizens of Rolette County, in North Dakota, abandoning their former objections and petition, and having reached a better understanding of the claim of said Turtle Mountain Indians, now pray for a "passport" to the attorney and counsel of said Indians, urging upon the Government a speedy settlement with a just compensation to the Indians for their claim in proportion to what other Indians have received for a like interest, or territory, together with a letter thereto annexed, dated July 3, 1899, from Hon. John Burke to Hon. H. C. Hansbrough, Devils Lake, N. Dak.

No. XXX.—A letter, August 15, 1899, from Hon. John Burke, of Rolla, N. Dak., to Hon. H. C. Hansbrough, United States Senate, Washington, D. C., explaining the letter understanding between the Indians and the settlers regarding the large reservations asked to be restored; also stating to the Senator that the Indians were not satisfied with the agreement of October 22, 1892, and that the settlers were in favor of a more liberal settlement of their claims.

No. XXXI.—Affidavit of Michael Gladue locating the dividing line between the Sioux Indians and the Turtle Mountain Chippewa country, as settled between the, etc. Filed May 4, 1892.

No. XXXII.—Affidavit of Louis La Fromboise relative to the dividing line between the Sioux Indians and the Turtle Mountain Chippewa country, as settled between themselves by treaty. Filed May 4, 1892.

No. XXXIII.—The finding and report of the Hon. E. A. Hayt, Commissioner of Indian Affairs, Department letter of May 23, 1878, to the honorable Secretary of the Interior, with a statement of the boundaries of the country originally claimed by the Turtle Mountain Band of Pembina Chippewa Indians, including the cession by treaty of October 2, 1863.

No. XXXIV.—Report of Mr. Gifford, from the Committee on Indian Affairs, March 4, 1890, submitted to accompany bill H. R. 660, House Report No. 632, Fifty-first Congress, first session, to provide for the cession of their reservation in Rollette County, State of North Dakota, showing the population and conditions of the Turtle Mountain Indians, the desire to have the Government settle their affairs and define their status, and in consequence made but a few improvements; also showing their contention with the county authorities, and their repeated attempts to collect taxes from the nonreservation Indians with serious troubles involving all the mixed-blood Indians living on and off the reservation.

No. XXXV.—A copy of a report by Mr. Curtis, from the Committee on Indian Affairs, March 24, 1898, to accompany bill H. R. 9282, House Report No. 820, Fifty-fifth Congress, second session, recommending the passage of the bill referring the claims of the Turtle Mountain Indians to the Court of Claims for adjudication, etc.

NO. I, B AND C.

COMMISSIONERS' REPORT OF THE AGREEMENT WITH THE TURTLE MOUNTAIN INDIANS.

DOCUMENT No. 9.

[House Ex. Doc. No 229, Fifty-second Congress, second session.]

Message from the President of the United States, transmitting communication from the Secretary of the Interior, accompanied by an agreement between the Turtle Mountain Indians and the commission appointed under the provisions of the Indian appropriation act of July 13, 1892.

[February 7, 1893.—Referred to the Committee on Indian Affairs and ordered to be printed.]

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of the Interior, dated 4th instant, accompanied by an agreement concluded by and between the Turtle Mountain Indians and the commission appointed under the provisions of the Indian appropriation act of July 13, 1892, to negotiate with the Turtle Mountain Band of Chippewa Indians in North Dakota for the cession and relinquishment to the United States of whatever right or interest they have in and to any and all land in said State to which they claim title, and for their removal to and settlement upon lands to be hereafter selected and determined upon by the Secretary of the Interior, upon the recommendation of the proposed commissioners, subject to the approval of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 6, 1893.*

DEPARTMENT OF THE INTERIOR,
Washington, February 4, 1893.

THE PRESIDENT:

I have the honor to submit herewith a report of the Turtle Mountain Indian Commission, dated December 3, 1892, and accompanying agreement made by them with the Turtle Mountain Indians on October 22d last.

This report and agreement have been examined by the Commissioner of Indian Affairs and the Assistant Attorney-General for this Department, as shown by their reports herewith, and a draft of a bill to ratify the said agreement is herewith presented.

I have the honor to submit, also, a letter of 23d ultimo from Hon. H. C. Hansbrough relative to this matter.

While the agreement is not in exact accordance with the act of Congress providing for the commission and defining its duties, it is forwarded for the favorable action of Congress as the best available.

I have the honor to be, very respectfully, your obedient servant,

GEO. CHANDLER, *Acting Secretary.*

Report of the Turtle Mountain Indian Commission of the agreement concluded between said commissioners, on the part of the United States, and the Turtle Mountain Band of Chippewa Indians, October 22, 1892.

SIR: Pursuant to the act of Congress and instructions from the Interior Department, the Turtle Mountain Indian Commission met at Devils Lake, N. Dak., and after visiting John H. Waugh, Indian agent at Fort Totten, proceeded with him to Belcourt, a mission in the mountains and the headquarters of Mr. E. W. Brenner, the farmer in charge. It found on its arrival that most of the band, and persons claiming to be members thereof, had assembled some days previous and were awaiting its arrival expecting a council, which, they had been advised by nonofficial persons assuming to act for their interests, would be held immediately; and when informed that it would not be held until a correct census of the band had first been made, which would require from ten days to two weeks, they were greatly disappointed.

A matter of some serious concern met the commission at the outset, that of furnishing provisions for the band during its council with them, many of them demanding food before they would consider any question between themselves and the Government, giving as a reason that it had been a long and unbroken custom for the Government to supply them with necessary food for themselves and families during the continuance of councils, and that in their case they had nothing to live on while assembled.

The commission was adverse to the "feasting business," especially in view of the fact that the time which would be required to complete its business with them, and in view of the further fact that an expense of about \$250 per day for feeding purposes would soon exhaust the small appropriation available for the purpose of this commission. From the fact, however, that the Government had made no provisions for their support and that they were absolutely without provisions, there seemed to be no alternative left the commission, and therefore, after considering the suggestions of Mr. Waugh and Mr. Brenner, it made provisions for them during the time they were necessarily present at the call of the commission.

In 1891 a committee of sixteen mixed and sixteen full bloods had been elected by the band to look after its interests, and especially the matter of ascertaining who were American Indians and members of the band. This committee being composed of many of the oldest inhabitants of the Turtle Mountains, and persons who were fully acquainted with the people and had been so for many years, were naturally of great assistance and they were therefore requested by the commission to be present and assist in taking the census, the commission furnishing them provisions necessary to live on during the time.

This committee had already stricken off the list as previously fixed by a prior commission some 522 names. The commission then went over the list of names remaining after this number had been stricken off, and with the entire committee first struck off all those whose American tribal relations were considered by any member of the committee as being in the least questionable. It then went over the remaining names carefully, making full inquiries concerning the relations, birthplace, former living and present location, and all other matters pertaining to the question of their tribal relations, and made a complete list of those who were unquestionably American Turtle Mountain Indians.

A list was then made of all persons whose names were stricken off the rolls, whether by the committee or this commission, and copies of these lists were posted in conspicuous places throughout the reservation, and also read at the churches at the Belcourt Mission and St. Johns and special notice sent, through the Indian police, to individuals who had not been present at these places. With these lists was a notification that the commission would proceed on a given day to hear the application of any who desired his or her name reinstated, a copy of which notice is filed herewith. The testimony under oath of all claimants who made application for reinstatement and their witnesses was taken before the commission. A large number of cases were heard, and with a few exceptions their claims were rejected. At the beginning there were many present when the commission considered Canadian mixed bloods. But after a number of cases had been disposed of, the others (whose conditions were, as near as the commission could ascertain, about the same as those rejected) refused to present their cases.

The commission then went over the names of those who had been rejected and who had not responded to the notice, and finding from the best available evidence that they were not entitled to recognition as members of the Turtle Mountain Band the census was completed as herein reported.

Having completed the census, the next step in accordance with letter of instructions from the Department, was to go to Fort Berthold and if possible obtain the consent of the Indians of that reservation, namely, the Mandans, Arickarees, and Gros Ventres, to receive the Turtle Mountain Indians.

To insure the confidence of the band, who from the very beginning were adverse to leaving, that the commission desired to be perfectly fair with them and if possible select for them a place which would meet with their approval, the commission considered it best to take with it to Berthold a few of the band to look over the country with it. The band selected four full and two mixed bloods, namely, Little Shell, chief, Foggy Cloud, Clear Eyes, Conic, Vandall, and Jerome.

Immediately upon the arrival of the commission at Berthold it called upon Mr. Murphy, the Indian agent, and arrangements were made for a council. In the interim of three days prior to the meeting of this council, the commission visited different portions of the reservation for the purpose of ascertaining whether it would be a proper place to locate the Chippewa band.

This reservation, lying along the Missouri River, consists of about 1,300,000 acres.

The most valuable portion of it is the level table-land bordering the river, and which is from 1 to 2 miles in width. The soil is fine sandy loam composed entirely of river deposits, and naturally capable of raising fine crops of any kind of grain, but which, owing to the very limited rainfall, is of very little value for agricultural purposes. The chief agricultural product is corn and some wheat, oats, and barley, which at present has very little market value, owing to the great distance to any point of transportation, and the still greater distance to the point of consumption. This country is best adapted to stock raising, an occupation which can have but little beneficial effect as a civilizer on the Indian. As a whole the country is far inferior to that of the Turtle Mountains.

The commission in its council presented to the tribes constituting the Berthold Indians the fact that their reservation consisted of 1,300,000 acres; that only about 118,000 were necessary for their allotments, leaving 1,182,000; that the allotments would be all that they or their children would ever utilize; that the Turtle Mountain Chippewas were a band of Indians which in former years had been friendly with them; that said Indians were known to be of good character and inclined to peace; that the Government did not ask them to relinquish any of the lands reserved for them without compensation; that the fund which would be paid by the Government for such portion of their land as would be necessary to secure allotments for the Chippewas could be added to the fund of \$800,000 now held by them and would inure to the benefit of themselves and their children, and would be far more beneficial than the holding of unused land; that this would not interfere with their own allotments, for the reason that they could select theirs first.

They answered in substance that the allotments allowed by law in their section of the country, a stock-raising section alone, were greatly inadequate; that they needed not only the allotted lands for their homes and the raising of their corn and vegetables, but also needed the wide ranges of their reservation to support the numbers of stock required to make stock raising successful; that they had just completed a contract with the Government whereby they ceded 1,600,000 acres, and they were surprised that the Government should so soon ask from them more land; that when they made the contract with the former commission, ceding this land, that commission, representing the Government, told them they would need all the balance of said land and advised them to sell no more; that when they made this contract the three tribes entered into a mutual solemn agreement that they would not sell any more of their land for at least fifteen years; that they looked only to their children's interest and would not sell anything further until those children were all grown up, and then they could act for themselves.

No amount of persuasion could induce them even to consider the subject of disposing of any of the reservation at this time or receiving their neighbors, the Chippewas. It was certainly a very inopportune time to attempt to make a treaty with these Indians. They were well provided for at the present, \$800,000 being to their credit for lands just ceded. It is a characteristic of the Indian that when he is provided for he never wishes to sell for any price, but on the contrary when he sees no provision is made for the future, and he once makes up his mind to dispose of his property, the price he is to receive is of but small importance to him so that he gets rid of it.

Finding it impossible to secure the assent of the Berthold tribes to admit the Chippewas, the commission wired Agent Waugh to call a council at Turtle Mountains of all adult males on the roll as revised by it and returned to the latter place.

In the latter council the commission presented to them the necessity of having their matters finally decided, and urged them to lay aside all factional differences and join with it in arriving at a settlement of their matters with the Government, explaining to them the entanglement that had already arisen owing to the fact that the matter had not been fixed before white settlers had filled the country and their reservation crowded into the limits of two townships; but that the condition must be met as it is, and no time wasted in discussing matters that could not now be changed; that it was impossible for them to take allotments within these two townships; that there were only 13,000 acres of tillable land in these townships, and not one-tenth the amount that would be required for their allotments; that Congress could not be induced under any circumstances to increase the size of that reservation; that they must lay aside once and for all any hope of having their present reservation increased to 30 miles square, or extended a single foot; that the game being gone, it was folly for them to still cling to their ancient method of gaining a livelihood; that it was not only an absolute necessity for them, but a duty which they owed to their children, to adapt themselves to this new order of things and provide for the support of themselves and their families; that the first question for them was to decide where to go; that in order for the Government to render them proper assistance in their first efforts to make a liv-

ing in the manner of white men, it was best that they should go together and keep in the same vicinity as nearly as possible; that it was the intention of the Government to give them proper support and protection until they could support themselves; that although the Government had never directly recognized their claim to the lands they sought to be paid for, still, as the Government desired to be perfectly just and fair to them, it was willing to pay them a reasonable sum to be used in assisting them to rise to a self-supporting basis, and that it therefore mattered but little to them whether their claim was well founded, provided they were properly paid, and that the Government was willing to do; that they must limit their demand to what was actually and obviously necessary to secure the proper assistance; that any agreement made with them must be ratified by Congress, and that Congress would ratify no agreement requiring the payment of an exorbitant sum; that in determining upon a sum to be paid for their relinquishment they must not lose sight of the fact of the liberal provisions of the allotment act, whereby each head of a family is allowed 160 and each minor 80 acres of land; that it would be idling away time and also be an injustice to them for the commission to make extravagant promises, only to be rejected by the Government, and that it desired to make such a contract that its reasonableness would insure its acceptance by Congress; that their present deplorable condition was to a great extent due to the fact that they had no contract with the Government; and that the provisions they were now receiving were merely gratuitous, subject to be lessened or cut off entirely by any subsequent Congress; and that their interest could only be properly subserved by a definite and certain agreement with the Government; that the Government would not make provision for their allotments in the country immediately surrounding the two townships; but that under the Indian homestead act any head of a family or person over 21 years of age could select 160 acres on any vacant public land, and that those who did not desire to remove to any other section could take advantage of that act wherever they could find vacant lands. The question of going to Berthold was brought before them in its most favorable aspects.

Speechmaking was then freely indulged in by many members of the band. The faction headed by Little Shell, hereditary chief; Red Thunder, Yellow Bird, Young Man, and others, complained bitterly of the action of the committee of thirty-two and the commission in cutting down the membership roll, and it required some little time to convince them that the act of the commission would not be open for discussion and to bring them down to the consideration of the real matter before them.

The general subject was then discussed by Ka ki na wash, chairman of the committee of thirty-two; Beaver, Yellow Day, Foggy Cloud, Offers the Pipe, Circling Hawk, Elevated, Red Bear, and many others.

They complained much of the treatment that they, a friendly band, had received from the hands of the Government, as compared with its treatment of the tribes concerned in the Minnesota massacre of 1862. They asked the commission: "Have we or our ancestors ever ceded the lands we claim? If we have, there must be some record of it on the files in Washington, and if there is, we ask the commission to show it to us. If we have ceded this land we will no longer make a claim to it, but if we have not, we ask the Government to deal rightly with us. The Government has not taken the lands of other Indians, even its worst enemies, without securing the Indian title. What right, then, has the Government to reduce us to two townships? We are unlearned and can not read or write, and we ask the commission not to deceive us, but to inform us truly whether or not this land has ever been ceded to the Government." The commission replied that it finds no relinquishment of the territory from them, but that there had been a question as to the location of the boundary line between them and the Sioux, and also as to whether a part of this land claimed had not been the ancient home of the Assiniboinés; but whether their claim was well founded or not, it was of no consequence, if the Government paid them a reasonable price to extinguish it.

They replied that the Government, powerful as it is, should be ashamed to arbitrarily take the lands from them, who are defenseless to protect it, save as they appeal to the integrity of the Government. And again they say: "Through all the Indian wars we have been the friend of the white man, and though often provoked by injustice and imposition, we have never resented. And yet we have noticed that every time the Sioux tribes have risen against the Government and killed white settlers, the Government has gone down into its pockets and increased their provisions, and paid them well for their lands, while it arbitrarily seeks to deprive us, who have at all times been its friend, of our homes." They reiterated their claim for a reservation at that place 30 miles square, and plead their love for their ancestral home, where sleep their fathers, some going so far as to declare they would never leave it, and if it was God's will that they and their children should perish by hunger, they would die in the country the Great Spirit had given them.

The commission again announced that it was not possible to increase the size of the reservation at that place, and that discussion in that line was useless. Little Shell and adherents then declared that if this was the decision of the commission, that they agreed that further discussion was useless, and that they would leave, as they would never consent to any treaty which would not give them the 30 miles reservation at the Turtle Mountains. Members of the committee of thirty-two then stated that, as the other members of the tribe were unable to suggest any basis on which there was a hope of a possible arrangement, they would have a meeting and see what proposition could be made, but they first desired to know what proposition the commission had to help them out of the difficulty that met them.

The commission then suggested to them the following points as a basis of the agreement:

- (1) Relinquishment of all claims to lands in North Dakota.
- (2) Permission to resident settlers in the two townships to have a preference right to lands settled on, their selection to be made to conform to the Government surveys and not to exceed 160 acres to each head of family.
- (3) Other members of the band not now having settlements on these two townships to have second preference to select homes thereon, to be governed between themselves according to priority of settlement and filing.
- (4) Selection of allotments at some other place; and if a selection could not then be made, it would be made in the future by a committee appointed by the Government to act in conjunction with one appointed by the band, and their selection subject to the approval of the Secretary of the Interior.
- (5) In case any settler who had improvements on lands desired to remove to the place selected for allotments, such settler to be paid for actual value of improvements thus abandoned.

(6) For the relinquishment the Government to pay a sum to be agreed upon, which should be divided into ten annual payments, in such proportionate amounts as should be deemed most advisable to best promote self-support among the tribe.

(7) When persons entitled to allotments are too old or infirm to make use of the same, the value of such allotments, according to Government price of land, to be paid to such persons, in lieu of allotments, to be used for their support under the direction of the Commissioner of Indian Affairs.

The allotment elsewhere met with general disfavor. They would rather put up with a very small farm for the head of each family and remain there than take liberal allotments for themselves and their children elsewhere. Some days were spent in the discussion of these matters.

A few days prior to the final agreement Mr. McCumber, one of the commission, was called home on account of sickness in his family, and the other members completed the work and secured the final contract.

This committee of thirty-two returned a proposition asking that there be a reservation set apart for them 30 miles square at Turtle Mountain and an appropriation of \$50,000 per year for one hundred years.

After some days and nights of constant negotiations the following final agreement was secured:

Articles of agreement and stipulations made and concluded at Belcourt, in the county of Rolette and the State of North Dakota, by and between Porter J. McCumber, John W. Wilson, and W. Woodville Flemming, commissioners on the part of the United States, on the twenty-second day of October, one thousand eight hundred and ninety-two, and Ka ki ni wash, Kanik, Ka ish pah, Conic, Caws ta we nin, Oza ah we kizik, John Baptist Wilkie, Augustine Wilkie, sr., John Baptist Vandall, Joseph Rolette, Jerome M. Rolette, St. Matthew Jerome, and Martin Jerome, and others whose names are hereto subscribed, being a majority of the whole number of male adults belonging to and comprising the Turtle Mountain Band of Chippewa Indians in North Dakota, on the part and behalf of the Turtle Mountain Band of Chippewa Indians.

ARTICLE I.

The friendly relations heretofore existing between the Turtle Mountain Band of Chippewa Indians and the United States shall be forever maintained.

ARTICLE II.

The Turtle Mountain Band of Chippewa Indians, in consideration of the covenants and stipulations hereinafter contained, do hereby cede, alien, and convey to the United States all the claims, estate, right, title, and interest of the Turtle Mountain

Band of Chippewa Indians or any of them as members of said band of Indians, in and to all lands, tenements, and hereditaments, situate lying and being in the State of North Dakota: Excepting and reserving from this conveyance that tract of land particularly mentioned and set apart by an executive order of the President of the United States, bearing date the third day of June, A. D. eighteen hundred and eighty-four, to which reference is hereby had for more particular description, the said reserve being twelve miles in length and six miles in breadth, and now occupied as a reservation by the Turtle Mountain Band of Chippewa Indians. It being expressly stipulated that the land now occupied and used for school, church, and Government purposes shall be so held at the pleasure of the United States, and may, with the approval of the Secretary of the Interior of the United States, be patented when the interest of the United States, the Indians thereon, or the efficient school conduct requires; the Secretary of the Interior may, as occasion requires, set apart other land in said reserve for school and other public uses.

ARTICLE III.

The land, woods, and waters above reserved for the Turtle Mountain Band of Chippewa Indians, subject to the stipulations contained in Article II of this treaty and agreement, shall be held as the common property of the Turtle Mountain Band of Chippewa Indians, and it is agreed that the United States shall, as soon as it can conveniently be done, cause the land hereby reserved and held for the use of the Turtle Mountain Band of Chippewa Indians to be surveyed as public lands are surveyed, for the purpose of enabling such Indians as desire to take homesteads, and the selections shall be so made as to include in each case, as far as possible, the residence and improvements of the Indian making selection, giving to each an equitable proportion of natural advantages, and when it is not practicable to so apportion the entire homestead of land in one body it may be set apart in separate tracts, not less than forty acres in any one tract, unless the same shall abut upon a lake—but all assignments of land in severalty shall conform to the Government survey. The survey of this land shall be made as Government surveys and at no expense to the Indians.

ARTICLE IV.

In consideration of the premises and the foregoing cession, the United States agrees to pay to the said Turtle Mountain Band of Chippewa Indians the sum of one million dollars, of which sum there shall be paid annually the sum of fifty thousand dollars for the period of twenty years, which sums shall be invested annually in food, clothing, bed clothing, houses, cattle, horses, all kinds of agricultural implements, and farm machinery and products, for seed for husbandry, and such things as may be approved by the Secretary of the Interior, who shall have authority to direct such expenditure, and at such times in the building, improving, and repairing of houses as the needs of the Indians on the above reserve may require, except as hereinafter agreed.

ARTICLE V.

The schools now located upon the above-named reserve are to be maintained in efficiency as at present and increased as necessity may require.

ARTICLE VI.

All members of the Turtle Mountain Band of Chippewa Indians who may be unable to secure land upon the reservation above ceded may take homesteads upon any vacant land belonging to the United States without charge, and shall continue to hold and be entitled to such share in all tribal funds, annuities, or other property, the same as if located on the reservations.

ARTICLE VII.

So long as the United States retains and holds the title to any land in the use or occupation of any member of the Turtle Mountain Band of Chippewa Indians or the title to other property in the possession of any Indian of said band, which it may do for twenty years, there shall be no tax or other duty levied or assessed upon the property the title to which is held or retained by the United States.

ARTICLE VIII.

And in further consideration of the foregoing cession and stipulations, it is further stipulated that the six hundred and forty acres of land heretofore reserved to "Red Bear," a Chippewa Indian, by the treaty between the United States and the Red Lake and Pembina Bands of Chippewa Indians, concluded in Minnesota, October 2d, 1863, amended March 1st, 1864, proclaimed May 5, 1864, be patented to Red Bear, a member of the Turtle Mountain Band of Chippewa, who is the only son and heir of the "Red Bear" named in the eighth article of the treaty above referred to and mentioned.

ARTICLE IX.

It is further covenanted and agreed that under no circumstances the Turtle Mountain Band of Chippewa Indians nor any members of said band of Indians shall take up arms against or resist the established authorities of the United States; every person so violating this stipulation shall in the discretion of the United States be forever barred from the benefits of this agreement, and all rights of such person or persons hereunder shall be forfeited to the United States.

ARTICLE X.

This agreement to be of no binding force or effect until ratified by the Congress of the United States.

ARTICLE XI.

It is mutually agreed that the sum of five thousand dollars of the fifty thousand dollars above stipulated be annually paid to the Turtle Mountain Band of Indians, in cash, and that said sum be distributed per capita.

In testimony whereof the said Porter J. McCumber, John W. Wilson, and W. Woodville Flemming, commissioners, as aforesaid, and the members of the Turtle Mountain Band of Chippewa Indians, have hereunto set their hands and affixed their official marks on the day and at the place above written.

Executed at Belcourt Agency, N. Dak., this 22d day of October, A. D. 1892.

P. J. McCUMBER,	[SEAL.]
JOHN W. WILSON,	[SEAL.]
W. WOODVILLE FLEMMING,	[SEAL.]
	<i>Commissioners.</i>

We, the undersigned, separately and severally certify on honor that we have fully explained to the Indians whose names are hereto signed the above instrument, and that they acknowledge the same to be well understood by them.

JOHN BAPTISTE LEDEAULT.
JOSEPH ROLETTE.

Ka kin ewash, his x mark (seal).
Kanik, his x mark (seal).
Cawi-ta we nin, his x mark (seal).
Conic, his x mark (seal).
Kiji Kaak-ke-ni ja-wit, his x mark (seal).
Skasitoness, his x mark (seal).
Ketakiwapedong, his x mark (seal).
Mishkomakwa, his x mark (seal).
Amyattt Francais, his x mark (seal).
Kaozawakezik, his x mark (seal).
J. B. Wilkie (seal).
Joseph Langer, his x mark (seal).
Antoine Brien, his x mark (seal).
Alexander Wilkie, his x mark (seal).
Alexander Aiken, his x mark (seal).
Joseph Gournea, sr., his x mark (seal).
Gourneau, Louis, his x mark (seal).
Gourneau, Batrice, his x mark (seal).
Peter Charbanan, his x mark (seal).
Grant Riese, his x mark (seal).
Grant, Joseph, his x mark (seal).

William Grant, his x mark (seal).
Gabriel Wilkie, his x mark (seal).
Baptiste Kline, his x mark (seal).
Ambrose Wallet, his x mark (seal).
Charles Poitra, his x mark (seal).
Zachary Poitra, his x mark (seal).
Louis Arnyott, jr., his x mark (seal).
Louis Goddon, his x mark (seal).
Gabriel Bauchimen, his x mark (seal).
Alexander Martel, his x mark (seal).
Kaishpa, his x mark (seal).
Anakomika, his x mark (seal).
Wahna Kivet, his x mark (seal).
Aki chita, his x mark (seal).
Ozawikonaya, his x mark (seal).
Cha kasung, his x mark (seal).
Ka kepiness, his x mark (seal).
John Baptiste Dandall, his x mark (seal).
Mekwam, his x mark (seal).
O-za was kush, his x mark (seal).
Roger Jerome (seal).

- Andre Allery, sr. (seal).
 Archibald Aiken, his x mark (seal).
 Nottin, his x mark (seal).
 John Aiken, his x mark (seal).
 Gourneau, Joseph, jr., his x mark (seal).
 Gourneau, Leon, his x mark (seal).
 Gourneau, Alexander, his x mark (seal).
 Gabriel Azure, his x mark (seal).
 M. J. Rolette (seal).
 Joseph Rolette (seal).
 Albert Wilkie, his x mark (seal).
 Jenor Brien, his x mark (seal).
 Alexander Lucier, his x mark (seal).
 Alexander Latraille, his x mark (seal).
 Joseph Poitra, his x mark, 2d (seal).
 Modest Poitra, his x mark (seal).
 St. Mathew Jerome, his x mark (seal).
 Phillip Goddon, his x mark (seal).
 Alexander Hermon, his x mark (seal).
 Solomon Pepin, his x mark (seal).
 Eugene Pepin, his x mark (seal).
 Edward Herman, his x mark (seal).
 Antoine Houle, sr., his x mark (seal).
 Antoine Houle, jr., his x mark (seal).
 Charles Houle, his x mark (seal).
 Joseph Thomas, his x mark (seal).
 Moses Diome, his x mark (seal).
 Joseph Smith, jr., his x mark (seal).
 Piere Peltier, his x mark (seal).
 Baptist Peltier, his x mark (seal).
 Joseph Lafrombois, his x mark (seal).
 Theodore Brien, his x mark (seal).
 Joseph Wilkie, his x mark (seal).
 John Baptist Wilkie, 2d, his x mark (seal).
 Nepate Kejik, his x mark (seal).
 Daniel Turcott, his x mark (seal).
 John Baptist Davis, jr., his x mark (seal).
 Isadore Gramboise, his x mark (seal).
 Piere Charrett, his x mark (seal).
 Moses Charrett, his x mark (seal).
 Piere Azure, his x mark (seal).
 Henry Oncept, his x mark (seal).
 Theodore Belgarde, sr., his x mark (seal).
 Louie Belgards, his x mark (seal).
 Gabriel Poitra, sr., his x mark (seal).
 William Poitra, his x mark (seal).
 Gabriel Poitra, jr., his x mark (seal).
 Antoine Wilkie, his x mark (seal).
 Andre Azure, his x mark (seal).
 Francois Langer, his x mark (seal).
 Joseph Azure, his x mark (seal).
 Francis Azure, 2d, his x mark (seal).
 Moses Wallet, his x mark (seal).
 Joseph Gourneau, 2d, his x mark (seal).
 Napoleon Houle, his x mark (seal).
 Behard Houle, his x mark (seal).
 William Thomas, his x mark (seal).
 Joseph Smith, sr., his x mark (seal).
 Israel Smith, sr., his x mark (seal).
 Prael Peltier, his x mark (seal).
 Moses Lapier, his x mark (seal).
 Gabriel Lafromboise, his x mark (seal).
 Augustine Wilkie, sr., his x mark (seal).
 Augustine Wilkie, jr., his x mark (seal).
 Joseph Decouteau, his x mark (seal).
 J. B. Turcott, his x mark (seal).
 William Davis, jr., his x mark (seal).
 Leonidas Davis, his x mark (seal).
 Baptiste Charrett, his x mark (seal).
 Francois Charrett, his x mark (seal).
 Thomas Cluthier, his x mark (seal).
 Peter Ducept, his x mark (seal).
 Jerome Azure, his x mark (seal).
 Theodore Belgarde, jr., his x mark (seal).
 Joseph Belgarde, his x mark (seal).
 Norbert Poitra, his x mark (seal).
 Charles Poitra, 2d, his x mark (seal).
 Octave Lafontaine, his x mark (seal).
 John Baptist Azure, his x mark (seal).
 John Baptist Grant, his x mark (seal).
 Joseph Frederic, his x mark (seal).
 Alexander Azure, his x mark (seal).
 Isadore Azure, his x mark (seal).
 Piere Lacert, his x mark (seal).
 Mathais Lafromboise, his x mark (seal).
 John Baptist Dejarlais, his x mark (seal).
 Gregory Martell, his x mark (seal).
 Patrice Lafromboise, his x mark (seal).
 Joseph Martell, his x mark (seal).
 John Baptist St. Antona, his x mark (seal).
 Edmond Rolett, his x mark (seal).
 Joseph Laframboise, his x mark (seal).
 Bacile Belgard, his x mark (seal).
 Antoine Belgard, his x mark (seal).
 Gilbert Belgarde, his x mark (seal).
 Modest Caplett, his x mark (seal).
 Michael Allery, his x mark (seal).
 Bernard Delorme, his x mark (seal).
 Jacques Peltier, his x mark (seal).
 Francois Vivier, 2d, his x mark (seal).
 David Laverdure, his x mark (seal).
 David Lavadure, his x mark (seal).
 Napoleon Lavadure, his x mark (seal).
 Maxime Marion, his x mark (seal).
 Ambrase Vivier, his x mark (seal).
 Abraham Boyer, his x mark (seal).
 Joseph Gladue, his x mark (seal).
 Alexander Jerome, his x mark (seal).
 Julian Jerome, his x mark (seal).
 Michael Gladue, his x mark (seal).
 Andre Allery, jr., his x mark (seal).
 Napoleon Allery, his x mark (seal).
 Martin Jerome, his x mark (seal).
 Louis Amyott, sr., his x mark (seal).
 John Baptist Lafromboise, his x mark (seal).
 Benjamin Azure, his x mark (seal).
 Narciss Lafromboise, his x mark (seal).
 F. X. Dejarlais, his x mark (seal).
 Charles Azure, sr., his x mark (seal).
 John B. Martell, his x mark (seal).
 Thomas Thomas, his x mark (seal).
 Louis Thomas, his x mark (seal).
 Michael Lafromboise, his x mark (seal).
 Francois Montrial, his x mark (seal).
 Batrice Delorme, his x mark (seal).
 Charles Duffney, his x mark (seal).
 Octave Renville, his x mark (seal).
 Joseph Nadeau, his x mark (seal).
 St. Piers Gladue, his x mark (seal).
 Andre Morin, his x mark (seal).
 James Azure, his x mark (seal).
 Alexander Montrial, his x mark (seal).

Joseph Lavadure, his x mark (seal).
 St. Pierre Lavadure, 2d, his x mark (seal).
 William Lavadure, his x mark (seal).
 Louis Marion, his x mark (seal).
 Charles Page, his x mark (seal).
 Charles Gladue, sr., his x mark (seal).
 Charles Gladue, jr., his x mark (seal).
 Maxime Marion, jr., his x mark (seal).
 J. B. Marion, his x mark (seal).
 Daniel Jerome, sr., his x mark (seal).
 Baptiste Allery, his x mark (seal).
 Daniel Jerome, jr., his x mark (seal).
 John Baptiste Ducept, his x mark (seal).
 Antoine Azure, his x mark (seal).
 Ezear Lafontaine, his x mark (seal).
 C. Lafontaine, his x mark (seal).
 J. B. Ledeaault (seal).
 Joseph E. Marion, his x mark (seal).
 John Baptiste Langer, his x mark (seal).
 Skamistik, his x mark (seal).
 Oskino, No. 1, his x mark (seal).
 Pakena ke wap, his x mark (seal).
 Kat we hu ta wat, his x mark (seal).
 Pat wa wi nin, his x mark (seal).
 Kekanowenet, his x mark (seal).
 She she we ko nip, his x mark (seal).
 Nepis, his x mark (seal).
 Nepasish, his x mark (seal).
 Amiceus, his x mark (seal).
 Makatemakwah, his x mark (seal).
 Exos, his x mark (seal).
 Akash, his x mark (seal).
 Metonask, his x mark (seal).
 Piere Lavalle, his x mark (seal).
 Alexander Houle, his x mark (seal).
 Joseph Kipling, his x mark (seal).
 Napoleon Landry, his x mark (seal).
 Piere McCloud, his x mark (seal).
 Mouchan a te sis, his x mark (seal).
 Moses Decauteau, his x mark (seal).
 Louis Malaterre, his x mark (seal).
 Onizim Houle, his x mark (seal).
 Cemewetung, his x mark (seal).
 Henry Coitra, his x mark (seal).
 Joseph Lyemouane, his x mark (seal).
 Piere Lafontaine, his x mark (seal).
 Akewensie, his x mark (seal).
 Andre Dejarlais, his x mark (seal).
 John Dejarlais, his x mark (seal).
 Antoine Charboneau, his x mark (seal).
 Ozah we kijik, his x mark (seal).
 Sakanako skung, his x mark (seal).
 Nachaiwe, his x mark (seal).
 Wisheka, his x mark (seal).
 Ke pesa see, his x mark (seal).
 Puyat, his x mark (seal).
 Miskwangkay, his x mark (seal).
 Nwenapi, his x mark (seal).
 Medomoyaah, his x mark (seal).
 Renaseekapajickot, his x mark (seal).
 Kamana towe to kuah, his x mark (seal).
 Wapisketatik, his x mark (seal).
 Patwewetung, his x mark (seal).
 Napashish, No. 1, his x mark (seal).
 J. B. Jollibois, his x mark (seal).
 Ambrose Ehatrand, his x mark (seal).
 Gilbert Kipling, his x mark (seal).
 Maxime Landry, his x mark (seal).
 Norbert Landry, his x mark (seal).
 George Baker, his x mark (seal).
 Piere Lakat, his x mark (seal).
 Francois Vivier, jr., his x mark (seal).
 John B. Martelle, jr., his x mark (seal).
 Tepiskokejikkaneepawit, his x mark (seal).
 Ozawipijikens (seal).
 Joseph Bottineau, his x mark (seal).
 Joseph Allery, his x mark (seal).
 Ezear Lafontaine, his x mark (seal).
 We nakowikapo, his x mark (seal).
 Fred. W. Schindler (seal).
 Joseph Ladneer, his x mark (seal).
 John Hayes, his x mark (seal).
 John B. Laterregrass (seal).
 Pierre Lessott, his x mark (seal).

We certify on honor that we were present and witnessed the signatures to this instrument by the Indians as above.

ERNEST WILLIAM BRENNER.
 WELLINGTON SALT.

The commission is well aware that the agreement secured does not meet the exact object for which the commission was appointed, as expressed by the act of Congress. This law contemplates the release of claim to all lands in North Dakota and the removal of the Indians to some other place.

Neither is the agreement such a one as the commission desired to make. The matter, however, resolved itself to this: Either to accept these terms or nothing at all. And in view of the complete failure of former attempts to secure an agreement it was deemed best for many reasons to accept this contract, especially in view of the fact that Congress would have to act on it before it became binding. The commission, however, deem it but just to state, after an examination of the whole matter and comparisons with other treaties, that a less liberal agreement on its part would have been unjust to the Indians.

Every effort in the power of the commission was exercised to secure the relinquishment of the two townships in connection with the general relinquishment to the Government. And it was also urged upon the band that a provision be made in the treaty by which the lands in the two townships should be held in severalty, and that such lands as were not in a given or stated time taken by the Indians should be open to settlement, the proceeds of the sale to be paid to them; that this would not in the

opinion of the commission affect them, as there was not enough land for more than a small portion of their number. But this was so objectionable to the leading Indians that to have inserted or retained such a clause in the agreement would have defeated it. At length they consented to the third article of the treaty, which the commission believed will, long before the expiration of the twenty years, result in the whole of the two townships being taken in severalty, for the reason that the individual Indian would soon realize that it is to his own interest in order to protect him in the fruits of his labor.

It is estimated that about 13,000 acres of these two townships are fitted for agricultural purposes. The balance is woodland interspersed with small lakes, the proportion of land and water service being about the same. This condition is true of all the Turtle Mountains proper. The intricate connection of lake with lake and woodland with woodland is such as to render it exceedingly impracticable, if not impossible, to travel any great distance through the mountains, except in winter time. The tillable lands lie in the prairie country, contiguous to the foothills.

The question of consideration to be paid for the relinquishment of the Indian claim to all lands in North Dakota is deserving of more extended consideration. The question of the validity of the Chippewa claim, and the boundary line between them and other tribes, has been often before the several divisions of the Interior Department. It will be found quite fully considered in a letter of June 7, 1882, from the Hon. H. Price, Commissioner of Indian Affairs, to the honorable Secretary of the Interior, where the conclusion reached by the Commissioner is in harmony with the findings of this commission.

The two principal treaties bearing upon the boundary line between the Turtle Mountain Indians and other tribes and also the territory actually ceded are the one of September 20, 1851, made with the Red Lake and Pembina Chippewas, and the one of February 9, 1867, made with the Sisseton and Wahpeton bands of Sioux.

By the first-mentioned treaty the Red Lake and Pembina bands ceded to the United States a tract of country about 120 miles in length by 65 miles in width, intersected near its center by the Red River of the North. The southern and western boundary of that portion of the cession lying west of the Red River is as follows: "Up said (Goose) river to its most westerly source following the south branch thereof; thence northwardly in a direct line to strike a point on the international boundary 5 miles west of the Grand Cote." In the cession of lands to the Government by these bands in 1851 and 1853 they especially retained the land north and west of these boundaries.

By the terms of Article II of the treaty of February 9, 1867, with the Sisseton and Wahpeton bands the claim of lands by the last-mentioned tribe is bounded as follows: "Bounded on the south and east by the treaty line of 1851 and the Red River of the North to the mouth of Goose River; on the north by the Goose River and a line running from the source thereof by the most westerly point of Devils Lake to the Chiefs Bluff, at the head of James River; and on the west by the James River to the mouth of Moccasin River, and then to Kampeska Lake."

Lest there might be some difficulty or misunderstanding as to the extent of territory ceded by either the Sioux or Chippewa, an agreement was entered into between these tribes more than fifty years ago, the original of which is still in the possession of one Wanata, hereditary chief of the Sisseton band of Sioux, and is as follows, to wit:

"We, Ojoupay (Sweet Corn, son of Ojoupay), second chief of the Sisseton and Yankton tribe of Dakotas, and Wahnatah (He-who-rushes-on), son of Wahnatah, first chief of the Sisseton and Yankton tribes of Dakotas, do hereby declare that we intend to abide by the articles of the treaty entered into by our fathers, represented by Chief Wahnatah with the Chippewas, represented by Chief Emay-das-kah (Flat Mouth) at Prairie du Chine, about thirty-three years ago, by which treaty the boundary line dividing the lands of the two nations (the Chippewas and Dakotas) was established and agreed upon.

"We further declare that it is within our recollection that after the above treaty was agreed upon the boundary line has ever been known to us and our people to have been as follows: Commencing at the mouth of the River Wahtab; thence ascending its course and running through Lake Wahtab; from thence taking a westerly course and passing through the fork of Sauk River; thence running in a northerly direction through Otter Tail Lake and striking the Red River at the mouth of Buffalo River; thence following the course of the Red River down to the mouth of Goose River; thence ascending the course of Goose River up to its source; then taking the due westerly course and passing through the center of Devils Lake; after leaving the lake continuing its westerly course to Maison du Chine; from thence taking a north-westerly direction to its terminus at a point on the Missouri River within gunshot sound of Little Knife River."

This leaves, as near as this commission can ascertain, a tract of land of between 8,000,000 and 10,000,000 acres lying north and west of Devils Lake, the Indian title to which has never been ceded to the Government, and which is claimed by the Chippewas and their right recognized by neighboring tribes. There are many other records recognizing both this boundary and the Chippewa claim, to which we need not here refer.

This commission is therefore forced to report that the Turtle Mountain Band of Chippewa Indians have as valid an original Indian title to this entire tract of land as any Indian tribe had to any tract. The band insists on this claim, and asks the commission to show that it is not both valid and just; and in support of their claim that the amount agreed upon is but a meager sum as compared with what the Government has paid for the relinquishment of the Indian title to other tracts, they argue that the Government is in fact paying but 10 cents per acre for land, a large portion of which is classed among the best agricultural land in the State, while, on the other hand, the Government has lately contracted to pay the Arickarees, Mandans, and Gros Ventres bands, whose combined number is only 1,135, the sum of \$800,000 for 1,600,000 acres of land, which on account of the limited rainfall is almost worthless; that the Government pays the Fort Totten Sioux \$2.50 per acre for land which at the least is no better than the Turtle Mountain country, and also pays the Wahpeton and Sisseton Band of Sioux \$2.50 per acre for land ceded by them.

If the Indian claim to land can be considered as having any legal basis (and the Government has certainly by its acts recognized it to such an extent as to give the claim the sanction due to a vested Indian title), the commission is forced to agree that, as a matter of justice, when measured by treaties with other Dakota tribes, the amount agreed upon is very reasonable and exceedingly favorable to the Government.

In view of the fact that the Government has paid other tribes quite liberally for their claims, the commission believes that the sum of \$1,000,000, which was the lowest sum it could secure under present circumstances, should be paid for the relinquishment. (See article 2, 15 Stats. p. 506.)

If the claim is well founded, the rejection of this or any smaller sum which would be acceptable to them as a consideration for their relinquishment would seem to the commission to lay the Government open to the charge of no little partiality exercised in favor of Indians hitherto hostile, and against a tribe which has hitherto not only been friendly, but whose members have largely assisted the Government in its conflicts with hostile tribes.

It will also be observed that by this treaty no allotments are asked for by the Indians or provision made for their allotment. Unless some further provisions are made the members of the band will probably not attempt to secure allotments, but will content themselves with taking Indian homesteads on public lands where they can be found within the vicinity of their ancient home. A great many, however, who can not obtain homesteads upon the two townships, would be willing to take allotments elsewhere if they could find a place where the quality of the land and quantity of rainfall would be equally as good as in the mountains. The amount of funds available for the purposes of this commission was too limited to justify the expense necessary in the search for a location that would meet this requirement.

From correspondence between the heads of the departments as late as 1882 the Interior Department seems to have assumed that the band of Chippewa Indians at the Turtle Mountains consisted of not more than 300 persons. This is approximately correct if the term "Indians" is intended to apply only to full bloods. The commission, however, after going carefully over the names, and holding adverse to claimants for tribal connections as strictly as the rules of the Department would allow, is unable to reduce the number of both full and mixed bloods to less than 1,759.

Owing to the fact that until somewhat recently the international boundary between the United States and Canada was not definitely known, nor what portion of the Turtle Mountains were in the respective countries, the roaming character of the Indians and intermarriage with each other irrespective of national lines, and in many cases the roaming from one reservation to another, the taking of the census was rendered a difficult as well as a delicate matter. The commission, however, believes that it has done as little injustice in taking the census and determining who were members of the band as is possible under the circumstances. The recognition by the Government of all persons as members of the band whose either parent was a member thereof very naturally increases the number by the addition of fast accumulating mixed bloods and their descendants. If this is unfortunate for the Government the fault is in the law.

While many were cut off from the rolls who had hitherto drawn rations as members, still the reduced number was again increased by the arrival of many sons and

relatives, who, because of hard times, had sought a livelihood in other places until this matter could be settled between the band and the Government, but who had never relinquished their tribal claims or their intention to return to their Turtle Mountain home. Under the rulings of the Department, as before mentioned, the commission thinks that if there are 300 or any number of Turtle Mountain Indians there are 1,759 who are equally members, and entitled to be recognized as such.

The commission would recommend that a committee be provided for on the part of the Government, to act with one on the part of the Indians, for the purpose of selecting a proper place for such members of the band as may desire allotments; also that the aged and feeble in lieu of their allotments may receive in money the value thereof at Government prices for land, to be used for their support, under the direction of the Indian Department.

In selecting lands for these Indians care should be exercised to select good farming lands in a section having sufficient rainfall to insure a reasonable prospect of an annual crop. It is folly to expect these Indians to make a living where white men who have fully and fairly tried have failed.

The commission believes that exclusive stock raising, as a business, tends to retard civilization among the Indians. It requires labor to care for and secure crops, and labor is a civilizer. In the stock-raising portions of the country the Indian ponies learn to help themselves to food by pawing the snow off the nutritious buffalo grass. The Indian owner finds this much easier than putting up hay, and he therefore proceeds in life in his old accustomed way, a way which certainly carries with it the evils attendant upon a shiftless mode of living. It is to the credit of the Chippewa band that they are cognizant of this fact, and by the more advanced members, who desire to elevate their standard of life, it is urged as a reason for preferring strictly agricultural lands.

In the opinion of the commission, no measure intended for the advancement of the Indian can have full beneficial effect until the last Government payment has been made and he is forced to earn his living as any other citizen. He is too near like his white brother. Take the average white man, who has never been brought up under the régime of close and steady labor, but whose life has been like that of these Indians, and let the Government make him its ward, furnishing ever so scanty and meager subsistence, and he will always remain a pauper. He will prefer living poorly and not work rather than bettering his condition or increasing his supply at the cost of a little hard labor. For this reason the Commissioner positively refused to extend the payments beyond the period of twenty years, at the expiration of which time those who have reached that age where their life and character have become fixed will have passed away. Again, the Indian character is practically made before the age of 35. If he is a typical Indian then, he is bound to remain so. The civilizing influence should be thrown around him in the developing time of his life.

The ambition to equal or excel is just as strong in the Indian boy as in the white; but the height of any boy's ambition is never higher than the highest condition within his observation, which may increase as his view of the world broadens. The segregation of the Indians and keeping them separate from white men on reservations is another great hindrance to civilization. In the reservation the Indian children see only a dull sameness in the culture of their surroundings. No man has a better home than the other. No one tepee presents a more favorable appearance than its neighbor. They see nothing but the squalid and uninviting, the best but little better than the poorest. The only thing they could find on which their ambitious desires can feed is some useless sport of the pony-race sort. Thrifty white settlers should be scattered among them; and the rearing of beautiful homes, with their carpeted rooms, their cosy furniture, their pictures, and the many articles of art and refinement, not forgetting cleanly and well-dressed families, will have a greater civilizing effect, at least on the younger members of a tribe, than anything that has ever been attempted with the Indians. With these evidences of the benefits of labor constantly before the minds of the Indian children, there will naturally be created in them the desire to equal their white neighbors, and they will bend their energies in the line of daily toil to rear for themselves homes equal to their surroundings.

In the consideration of this it is but just to give to the Indian schools great credit for what advancement has been made of late among the various tribes. At these schools the young girls are, to a certain extent, brought in contact with and learn much concerning not only the accomplishments of their white sisters in manner and dress, but also much that tends to beautify and adorn the home. And, if later in life, they have been fortunate to unite themselves with young men who have also attended schools, the result has always shown a decided improvement in those particular Indian homes.

In order that there may be no ambiguity in or cause for misconstruction of Article V of this agreement, the commission would suggest that after the word "present," in line three of said article, the words "not exceeding twenty years" be inserted, as it was the intention, and so understood by both parties to the agreement, to maintain the schools only during that period of time.

Before closing this report the commission would not deem its duties fully performed without stating that much is due to Mr. John H. Waugh for what success has attended its efforts, and would advise that for the purpose of doing full justice the Indians be heard, and he be directed to bring before the committee of Congress to which this matter is referred such members as may be deemed reasonable, as this course would have much weight with those who are dissatisfied. During the entire time of the negotiations of this commission there were several factions whose differences on the part of some who were unwilling to accept or consider any propositions that did not contemplate a reservation 30 miles square, and who steadfastly resisted any negotiation on the part of others who were willing to treat on any other basis. These, together with a large number whose applications for enrollment were rejected, at times threatened not only to terminate negotiations, but even to precipitate conflict among the several factions. During all this time Gabriel Dupont, an Indian of intelligence and influence, gave his time and energies to allaying such troubles and did much service thereby. And while the commission in the discharge of its duties rejected Dupont's application to be placed upon the rolls of the band, the commission respectfully recommend such appropriation be made for said Dupont as Congress may deem reasonable for the service rendered.

In reference to the census, the commission desires to further state that during its labors in enumerating the band it was intimated that there were many other persons who might properly be placed on the roll. These persons, it was claimed, were directly related to members of the band, but were either in Canada or with other western tribes far remote from the Turtle Mountains, and no one seemed to know positively whether they intended to return or that their names had not been placed on the rolls of other bands as members thereof. There was no evidence before the committee justifying it in accepting these people, as the committee had adopted a rule, which it believed necessary to prevent imposition, throwing the burden of proof as to tribal connection upon the claimants. These cases were not received. The commission, however, does not desire to be understood that there may not possibly be other persons entitled to recognition.

Dated at Washington, D. C., December 3, 1892.

P. J. McCUMBER, *Chairman.*
JOHN W. WILSON,
W. WOODVILLE FLEMING,
Commissioners.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

B.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 7, 1882.

SIR: I have the honor to acknowledge the receipt, by your reference for report, of a letter from Mr. George P. Bradstreet, clerk of the Senate Committee on the Judiciary, dated May 29 ultimo, inclosing, at the suggestion of Mr. McMillan, of the subcommittee, to whom it has been referred, Senate bill No. 925, "A bill to provide for the support and civilization of the Turtle Mountain Band of the Pembina Chippewa Indians and to extinguish their title to lands claimed by them in the Territory of Dakota," with the request that said committee be furnished any information that may be in the possession of the Department, touching the questions arising under said bill.

In reply I would respectfully state that this bill, in its original form, was referred to the Department in February last by Mr. Chairman Dawes, of the Committee on Indian Affairs, and this office was called upon and submitted a report thereon to the Department, under date March 11 following.

That report is embodied in and forms the subject-matter, for the most part, of House Report No. 1144 (to accompany bill H. R. 1885), a copy of which I inclose for the information of the Senate committee, as being most convenient for reference.

Since the introduction of the bill, but more especially since the rendition of my

report, effort has been made by those especially interested in having the lands to which the bill relates opened to white settlement, to show that the Sioux and possibly the Assinaboines are, or rather were, by reason of occupancy, the real owners of the territory claimed by the Chippewas, and that the claim of the latter to ownership is therefore unwarranted and without foundation, and should in no wise receive recognition.

As the origin of the Chippewa title to these lands is not a matter of record, not having been vested by statute or treaty provision, and as their claim is based wholly upon those natural rights which have ever been recognized as belonging to the Indians in respect of unceded territory, I have endeavored to determine, by careful examination of office records and correspondence, reports of explorations, military and civil, old maps, etc., the actual merits of the claim set up by the Chippewas to the lands in question, and at the same time whether either the Sioux or Assinaboines, as claimed, have any title to or interest in any portion of said lands.

Before proceeding to the consideration of the subject, however, I desire to say that it is not improbable that the suggestion in my report to the Department, dated February 14, to which reference has been made, that, "if any of the Sioux tribe ever claimed this country all such claim was relinquished by the treaty of April 29, 1868," may have strengthened the opinion of those who are, very properly, interested in opening the lands in question to settlement, if indeed it did not suggest the idea that the Sioux were perhaps the more rightful claimants to the territory claimed by the Chippewas.

Were a claim established in favor of the Sioux all obstacles were removed, for, by the second article of the above-mentioned treaty, the Sioux relinquished all claims or right in and to any portion of the United States or Territories, except such as was embraced within the limits of a permanent reservation (established under said treaty) far removed from the lands now the subject of consideration.

If such is the case I would simply say that it was not my intention in making the statement referred to to convey the impression that the office acknowledges that as a fact the Sioux have at any time laid claim to the territory under discussion. Not at all. This office is in possession of no evidence showing that the Sioux ever laid claim to that part of the country. It must be remembered that the Sioux were for years the most powerful and warlike tribe on the plains; that they waged inveterate and bloody warfare against many of their neighboring tribes, and that in their arrogance and power they did not hesitate to extend their claims to territory anywhere, as best suited their pride, inclination, or convenience.

With Indians, as with other people, it is one thing to claim and another thing to maintain or establish a claim.

Of all the wars waged by the Sioux none have been so protracted and bloody as those against the Chippewas. They were hereditary enemies. Their hunting grounds adjoined, and interminable war was the consequence. Had the various Sioux tribes at any time united against the Chippewas, undoubtedly, by great superiority of numbers, they might have gained a foothold in the Chippewa country from which they could not have been driven. But it appears the Sioux were never so united, and the Chippewas consequently held their ground, if they did not extend their territory.

The very language of the article of the treaty to which I have referred indicates, I think, that the Sioux were not accredited with having always been unpretentious in their claims to territory, to say the least. The language there used is not often employed in treaties. Generally it has been found that the claims of a tribe or nation could be determined and described by metes and bounds. Not so in the case of the Sioux, as the language of the treaty clearly indicates.

I have said this much in explanation of the statement above referred to.

Perhaps the most important evidence at hand, touching the matter to which our attention is directed, is to be found in the report of a commission appointed by the Secretary of the Interior under the provisions of the act of June 7, 1872 (17 Stat., p. 281), to investigate the title and interest of the Sisseton and Wahpeton bands of Sioux Indians to the lands mentioned in Article II of the treaty concluded with said Indians February 19, 1867.

By the terms of said treaty (Article II) the Sisseton and Wahpeton bands ceded to the United States the right to construct wagon roads, railroads, mail stations, etc., over and across the lands claimed by them, said lands so claimed being described as follows: Bounded on the south and east by the treaty line of 1851 and the Red River of the North to the mouth of Goose River; on the north by the Goose River and a line running from the source thereof by the most westerly point of Devils Lake to the Chief's Bluff, at the head of James River; and on the west by the James River to the mouth of Mocosin River and thence to Kampeska Lake (designated on accompanying map by red lines).

Some doubt having arisen thereafter as to the right of said Indians to claim exclusive occupancy of all the territory thus described, the commission above referred to, consisting of Messrs. Moses N. Adams, William H. Forbes, and James Smith, jr., was appointed to examine and report what title or interest the said Indians had to the lands mentioned in said article described above.

The commission assembled at Lake Traverse Agency on the 18th day of September, 1872, and made final report of their proceedings and investigations under date October 3, following. I quote the following from said report:

"Upon consideration of the premises we find and report, as matters of fact, that the Sioux Indians, of which the Sisseton and Wahpeton bands form part, have claimed the country west of the Mississippi and southerly of Devils Lake, embracing the region described in Article II of said treaty (treaty of February 19, 1867) as belonging to them, while the Chippewa Indians have also, prior to the time of said treaty, set up a claim to a portion of the northern part of the same country.

"The extent of the original claim of the Sioux Indians is embraced in a paper presented by Wahnahtah, hereditary chief of the Sisseton and Cut Head bands of Yankton Sioux, which is as follows, to wit:

"We, Ojoupay (Sweet Corn, son of Ojoupay, second chief of the Sisseton and Yankton tribe of Dakotas) and Wahnahtah (He Who Rushes On), son of Wahnahtah, first chief of the Sisseton and Yankton tribe of Dakotas, do hereby declare that we intend to abide by the articles of the treaty entered into by our fathers, represented by chief Wahnahtah, with the Chippewas, represented by Chief Emay dashkah (Flat Mouth), at Prairie du Chien, about thirty-three years ago, by which treaty the boundary line dividing the lands of the two nations (the Chippewas and Dakotas) was established and agreed upon.

"We furthermore declare that it is within our recollection that after the above treaty was agreed upon the boundary line has ever been known by us and our people to have been as follows: Commencing at the mouth of the River Wahtab, then ascending its course and running through Wahtab Lake; from thence taking a westerly course and passing through the fork of Sauk River; thence running in a northerly direction through Ottertail Lake and striking the Red River at the mouth of Buffalo River; then following the course of Red River down to the mouth of Goose River; then ascending the course of Goose River up to its source; then taking a due westerly course and passing through the center of Devils Lake; after leaving the lake, continuing its westerly course to Maison du Chien; from thence, taking a north-westerly direction, to its terminus at a point on the Missouri River within gunshot sound of Little Knife River.' (Designated on map by green line.)

"This paper is without date, but bears evidence of having been in possession of the Indians for a considerable period of time. It was probably drawn for them by some traders, and is shown, so far as their statements can be relied upon, to have been in possession of the chief for over 30 years.

"It has, however, only been considered by us as tending to show their territorial claim at and before the time of making the treaty of February 19, 1867.

"We find that these Indians (Sisseton and Wahpeton and other bands) occasionally hunted over the territory in question and claimed it as their hunting ground, and it is equally certain that the Chippewa Indians occasionally, in hunting and war parties, passed over the northern portion of it.

"That in 1862 the bands of Sioux Indians, other than the Sisseton and Wahpeton bands, claiming a common interest in the territory in question, abandoned the country, so that in fact the Sisseton and Wahpeton bands and Cut Heads, represented by Wahnahtah, were the only bands within the country in question that maintained a tribal organization.

"The nature and extent of the Indian title to lands occupied by them is what is known as the 'Indian country,' as well as the title of the United States to the same, is settled, it appears to us, by the action of the Government, legislation of Congress, and the adjudication of the courts.

"The occupancy by the Indians is a legal occupancy, 'the right to occupy the soil with a just claim to retain it and use it according to their discretion.'

"The hunting grounds of the Indian tribes are to be regarded as much in their possession as the cleared fields of the whites are to be regarded in theirs, the legal title being in the United States, with the exclusive right to purchase or extinguish the Indian title, such legal title being subject to the possessory rights or occupancy of the Indians." (Johnston *vs.* McIntosh, 8 Wheaton, 543; Worcester *vs.* State of Georgia, 6 Peters, 515; Mitchell *vs.* United States, 6 Peters Rep., 711 to 745, inclusive; 3 Kent's Com., 461 to 483.) * * *

Upon the report of said commission Congress, by act of June 22, 1874, in confirming the agreement entered into with the Sisseton and Wahpeton bands, virtually

acknowledged and confirmed the claim of said Indians to the lands described in Article II aforesaid.

It appears, then, that the first and one of the most important duties that engaged the attention of the said commissioners was the determination of the boundary lines between the Sioux and Chippewa country.

In pursuing their investigations they found that the Sioux Indians had claimed and did claim the country southerly of Devils Lake, embracing the region described in Article II of the treaty of 1867; that the extent of their original claim did not cover any territory north of said lake, and that they, had by solemn treaty with the Chippewas, entered into more than forty years ago, so agreed and declared.

The subsequent action of Congress in confirming the agreement made by and between the said commissioners and the Sisseton and the Wahpeton bands must be considered as having forever settled the disputed boundary question between the Sioux and Chippewas.

Further, a treaty was concluded at Fort Laramie in 1851 between commissioners specially authorized by the President and the following tribes of Indians residing south of the Missouri River and east of the Rocky Mountains, viz, the Sioux or Dakotas, Cheyennes, Arapahoes, Crows, Assinaboines, Gros Ventres, Mandans, and Arickareés. By this treaty the aforesaid Indian nations agreed to recognize and acknowledge certain tracts of country (described in the treaty by metes and bounds) as their respective boundaries.

These national domains are indicated upon the accompanying map in blue, and it will be seen upon examination that none of the aforesaid tribes extended their claims to the region now claimed by the Chippewas.

It is true the Laramie treaty was never ratified by Congress, but it has nevertheless been frequently referred to in appropriations and other treaties. At least it serves to indicate that neither the Sioux or other tribes south of the Missouri claimed at that time lands between Devils Lake and the British Possessions.

Upon the maps of the United States published by H. S. Tanner, from 1832 to 1839, on which the Indians of the Western country are noted, I find that the territory west of the Red River and north and northwest of Devils Lake is given to the Chippewas, as well as their unquestioned locations east of said river. (See accompanying map.)

Dr. R. V. Hayden, in his Contributions to the Ethnography and Philology of the Indian tribes of the Missouri Valley, p. 364, says:

"The country claimed by the Great Sioux or Dakota Nation prior to the organization of the Territories of Nebraska, Dakota, and Minnesota was very extensive. Commencing on the northeastern limit at Lac qui Parle an imaginary line would run in a northwest direction, taking in Lac du Diable (Devils Lake), thence inclining south by west, including Turtle Mountain, and the head of Pembina River would strike the Missouri at the mouth of Apple River below the Gros Ventres village. Crossing the Missouri it would proceed up the Grand River of the Arickarees (or even some distance west of this river), bearing west by south until reaching near the head of Powder River. From this point it would continue along the range of mountains called the Black Hills in a southern direction." * * *

The Territories above referred to, Nebraska, Dakota, and Minnesota, were organized in 1854, 1861, and 1849, respectively.

There is an evident incongruity of statement in the description given by Dr. Hayden in respect of the northern boundary of the Sioux claim. It is impossible that a line running "south by west from Devils Lake could take in Turtle Mountain and the head of Pembina River." This view of the case is corroborated by a statement of the author on p. 381, where, treating of the Assiniboines, he says:

"As has been stated, at the earliest date known they (the Assiniboines) roved about the sources of the St. Peters and Des Moines rivers, Lac du Diable, Lac qui Parle, etc., and were then joined with the Dakotas proper, who inhabited and claimed all the land between the Mississippi and Missouri as low down as Big Sioux River, reaching to the source of James River, and stretching thence northward as far as Lac du Diable." (The Sioux claim as first stated is indicated on the map by brown lines; as secondly stated in yellow.)

It will be readily seen that the two statements substantially agree as to the northern limit of the Sioux claim if the confusing and inconsistent clause in the first be disregarded.

More than thirty years ago (September 20, 1851) Hon. Alexander Ramsey, on the part of the Government, concluded a treaty with the Red Lake and Pembina Chippewas for the cession of a tract of country about 120 miles in length by 65 miles in breadth, intersected near its center by the Red River of the North. The southern and western boundary of that part of the cession lying west of Red River was

described as follows: "Up said (Goose) river to its most westwardly source, following the south branch thereof; thence northwardly in a direct line to strike a point on the international boundary line 5 miles west of the Grand Cote." (See broken blue line on accompanying map.)

Governor Ramsey found that there were at that time some 300 Chippewas living west of the ceded territory. In the official report of his negotiations he says, touching this subject:

"Not more than 300 Chippewas roam beyond the western boundary of the present cession, and it is thought it would not be difficult to induce them to unite with the rest of the tribe whenever it is concentrated in the manner proposed." (Treaty was never ratified by Congress.)

This in 1851. Subsequently (in 1863) when the Red Lake and Pembina bands ceded to the Government the lands (colored yellow on map) in the valley of the Red River and as far west at least as the cession line of 1851, they retained for themselves a tract of country claimed by them, embracing some of the favorite pastures of the buffalo north and northwest of Devils Lake. (See my report February 14, herewith.) This is, I think, strong evidence in favor of the Chippewas.

Thus it would appear that the authorities substantially agree as regards the respective territorial claims of the Sioux and Chippewas.

It is not denied that the Sioux have in years past in their war and hunting expeditions penetrated the country west of Red River as far north as the British line, and even into the British Possessions. They have frequently sought refuge beyond the boundary line when pursued by our troops; but that they have occupied the country north of Devils Lake in any sense that would warrant them in setting up a claim to ownership, or that they have ever pretended to claim any portion of said country, does not appear.

A board of visitors appointed by the Department, under the provisions of the sixth article of the treaty of October 2, 1863, with the Red Lake and Pembina Band of Chippewas, in their report, dated October 20, 1871, make special mention of the claim of the Chippewas to the Turtle Mountain country. I quote therefrom as follows:

"The condition of the Pembina Indians, we regret to report, is deplorable and almost hopeless. They are extremely poor, and owing to the scarcity of game their means of subsistence are scanty and precarious. Although by the joint treaty with the Red Lake Indians they have a claim upon the Red Lake Reservation, the feeling which exists between the two tribes is such that they can gain no advantage from it; they cling with tenacity also to their old homes. The Turtle Mountains of Dakota have long been their hunting grounds and have never been ceded to the United States. They regard these mountains, therefore, as their own, and express a strong desire to have a reservation definitely located for them in that region before white settlers shall further encroach upon them."

Hon. E. P. Smith, who was agent for the Chippewas previous to his administration of the affairs of this bureau, says, in his annual report for 1872:

"The Pembina band are in much the same deplorable condition as reported last year. They have no reservation in the vicinity where they are trying to subsist. A portion of the band live on Turtle Mountain, in Dakota, and claim that that is a portion of their country which they have never yet ceded; and they say they were living there at the time of the cession in 1863, and that their grounds are west of the line of the ceded territory. They ask that their rights in this unceded country may be recognized. According to the theory that has been generally adopted by the Government I do not see why these Indians have not all the original Indian rights in an uncaded territory."

Two years later (1874), in his annual report to the Department, Commissioner Smith says:

"The Pembinas have been notified to remove to White Earth on penalty of forfeiting their annuity. A few only have complied, but these have fallen readily into line with the others in self-support by labor. The remainder are still around Fort Pembina and on Turtle Mountain, Dakota, leading a wretched, vagrant life.

"The Turtle Mountain Band of Pembinas living west of the line of cession of Indian lands under the treaty with the Red Lake and Pembinas, 1863, claim that they are entitled to compensation for the country which they relinquish when they remove to White Earth."

And now, as regards any interest that the Assiniboinés are alleged or thought to have in any portion of the lands claimed by the Chippewas, I have to say that from all the evidence at hand it would appear that the Assiniboinés claim no land east of the White Earth River.

Originally they were a part of the great Dakota or Sioux Nation, and resided upon

the tributary streams of the Mississippi, as the head of the Des Moines, St. Peters, and other rivers. It appears that they separated from the Sioux more than a hundred years ago, and emigrated to the country about the Saskatchewan and Assiniboine rivers. They have long kept up friendly intercourse with the Chippewas, and are more or less intermarried with them; hence, no doubt, the impression that prevails among some that they might possibly be able to set up a fair claim to a portion of the country claimed by the Chippewas.

There are several other distinct tribes or bands of Indians living immediately west of the country claimed by the Chippewas, as the Grosventres, Arickarees, and Mandans. They live in villages and have permanent abodes. In years past they have been at war with neighboring tribes, and it is said that in small parties they have at times extended their incursions as far east as Minnesota against the Chippewas. This was very many years ago, however.

They have depended largely, though not entirely, as in the case of other Indians in that section, upon the chase for their subsistence, and no doubt have roamed the country west and north of Devils Lake at will in pursuit of the buffalo, and perhaps even farther east, but I fail to find any evidence of their ever having laid claim to any part of the country.

In conclusion I would submit that it has always been understood and held that the lands lying west of the Chippewa cession of 1863 and north and northwest of the line of the Sisseton and Wahpeton Indian country, as defined in Article II of the treaty with those Indians of February 19, 1867, have never been ceded to the United States.

Undoubtedly the original Indian title embraced this country, and it does not appear that it has ever been extinguished by treaty or otherwise.

The Government has from the beginning pursued a uniform course of extinguishing the Indian title, which is well settled to be the right of occupancy alone (except when a higher title has been vested by statute or treaty provision), yet with a just and perfect claim to remain in the possession and enjoyment of their lands until they choose to part with them.

Their rights have been restricted only in this, that they could not dispose of their lands by sale or otherwise except to the United States.

Of this unceded country the Pembina band of Chippewas claim from the cession line of 1863 to a point somewhere west of the Turtle Mountains.

There appears to be some confusion as to the western limit of their claim.

In the memorial addressed to Congress in 1867 by the Turtle Mountain band of Pembinas the western boundary of their claim is stated to be "northwest (from the head waters of the Cheyenne River) to the head waters of Little Knife River, a tributary of the Missouri River, and thence due north to the boundary between the United States and the British possessions." (See my report of February 14, herewith. Broken red line on map.)

Governor Alexander Ramsey, in the report of his negotiations with the Chippewas in 1863, when the Red River country was ceded to the Government, remarks as follows (referring to the Pembina Band):

"Inquiries were made as to the boundaries of the country claimed by them. They claimed all the country north of the line described by Little Rock as the northern boundary of the Red Lake Indians, and extending west to Devils Lake, to the Missouri Coteau and Mouse River.

"A more particular description of the country claimed by them is as follows:

"* * * Thence up the main channel of the Cheyenne River to a point about which they could not agree among themselves, to Dog House, a hill on the Missouri Coteau; thence north to the Mouse River; thence along Mouse River to the British boundary. * * * (Broken green line on map.)

"They proposed to reserve all the country west of a line running from the Poplar Grove to the head of Salt River and thence due north to the British boundary as a hunting ground."

If doubt remains as to the validity of the claim of the Chippewas to the exclusive occupancy of all the territory claimed by them, I would suggest that the bill under consideration might be so amended as to authorize the commissioners, whose appointment is contemplated by the terms thereof, to examine as to the title or interest of said Indians in said territory before entering into negotiations with them.

I inclose a copy of this report.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The SECRETARY OF THE INTERIOR.

C.

A BILL to ratify and confirm an agreement with the Turtle Mountain Band of Chippewa Indians in the State of North Dakota, and to make appropriation for carrying the same into effect.

Whereas Porter J. McCumber, John W. Wilson, and W. Woodville Flemming, duly appointed commissioners on the part of the United States, did on the twenty-second day of October, eighteen hundred and ninety-two, conclude an agreement with the Turtle Mountain Band of Chippewa Indians in the State of North Dakota, which said agreement is as follows:

Articles of agreement and stipulations made and concluded at Belcourt, in the county of Rolette and the State of North Dakota, by and between Porter J. McCumber, John W. Wilson, and W. Woodville Flemming, commissioners on the part of the United States, on the twenty-second day of October, one thousand eight hundred and ninety-two, and Ka-ki-ni-wash, Kanik, Ka-ish-pah, Conie, Caws-ta-we-nim, Oza-ah-we-kisik, John Baptist Wilkie, Augustus Wilkie, sr., John Baptist Vandall, Joseph Rolette, Jerome M. Rolette, St. Matthew Jerome, and Martin Jerome, and others whose names are hereto subscribed, being a majority of the whole number of male adults belonging to and comprising the Turtle Mountain Band of Chippewa Indians in North Dakota, on the part and behalf of the Turtle Mountain Band of Chippewa Indians.

ARTICLE I.

The friendly relations heretofore existing between the Turtle Mountain Band of Chippewa Indians and the United States shall be forever maintained.

ARTICLE II.

The Turtle Mountain Band of Chippewa Indians, in consideration of the covenants and stipulations hereinafter contained, do hereby cede, alien, and convey to the United States all the claims, estate, right, title, and interest of the Turtle Mountain Band of Chippewa Indians, or any of them as members of said band of Indians, in and to all lands, tenements, and hereditaments, situate, lying and being in the State of North Dakota, excepting and reserving from this conveyance that tract of land particularly mentioned and set apart by an executive order of the President of the United States bearing date the third day of June, A. D. eighteen hundred and eighty-four, to which reference is hereby had for more particular description, the said reserve being twelve miles in length and six miles in breadth, and now occupied as a reservation by the Turtle Mountain Band of Chippewa Indians.

It being expressly stipulated that the land now occupied and used for school, church, and Government purposes shall be so held at the pleasure of the United States, and may, with the approval of the Secretary of the Interior of the United States, be patented when the interest of the United States, the Indians thereon, or the efficient school conduct requires; the Secretary of the Interior may, as occasion requires, set apart other land in said reserve for school and other public uses.

ARTICLE III.

The land, woods, and waters above reserved for the Turtle Mountain Band of Chippewa Indians, subject to the stipulations contained in Article II of this treaty and agreement, shall be held as the common property of the Turtle Mountain Band of Chippewa Indians, and it is agreed that the United States shall, as soon as it can conveniently be done, cause the land hereby reserved and held for the use of the Turtle Mountain Band of Chippewa Indians to be surveyed, as public lands are surveyed, for the purpose of enabling such Indians as desire to take homesteads, and the selections shall be so made as to include in each case, as far as possible, the residence and improvements of the Indians making selection, giving to each an equitable proportion of natural advantages, and when it is not practicable to so apportion the entire homestead of land in one body, it may be set apart in separate tracts, not less than forty acres in any one tract, unless the same shall abut upon a lake; but all assignments of land in severalty shall conform to the Government survey. The survey of this land shall be made as Government surveys and at no expense to the Indians.

ARTICLE IV.

In consideration of the premises and the foregoing cession, the United States agrees to pay to the said Turtle Mountain Band of Chippewa Indians the sum of one

million dollars, of which sum there shall be paid annually the sum of fifty thousand dollars for the period of twenty years, which sums shall be invested annually in food, clothing, bed clothing, houses, cattle, harness, all kinds of agricultural implements and farm machinery, and products for seed for husbandry, and such things as may be approved by the Secretary of the Interior, who shall have authority to direct such expenditures and at such times in the building, improving, and repairing of houses as the needs of the Indians on the above reserve may require, except as hereinafter agreed.

ARTICLE V.

The schools now located upon the above-named reserve are to be maintained in efficiency as at present, and increased as necessity may require.

ARTICLE VI.

All members of the Turtle Mountain Band of Chippewa Indians who may be unable to secure land upon the reservation above ceded may take homesteads upon any vacant land belonging to the United States without charge, and shall continue to hold and be entitled to such share in all tribal funds, annuities, or other property, the same as if located on the reservation.

ARTICLE VII.

So long as the United States retains and holds the title to any land in the use or occupation of any member of the Turtle Mountain Band of Chippewa Indians or the title to other property in the possession of any Indian of said band, which it may do for twenty years, there shall be no tax or other duty levied or assessed upon the property the title to which is held or retained by the United States.

ARTICLE VIII.

And in further consideration of the foregoing cession and stipulations, it is further stipulated that the six hundred and forty acres of land heretofore reserved to "Red Bear," a Chippewa Indian, by the treaty between the United States and the Red Lake and Pembina bands of Chippewa Indians concluded in Minnesota, October 2nd, 1863, amended March 1st, 1864, proclaimed May 5th, 1864, be patented to Red Bear, a member of the Turtle Mountain Band of Chippewas, who is the only son and heir of the "Red Bear" named in the eighth article of the treaty above referred to and mentioned.

ARTICLE IX.

It is further covenanted and agreed that under no circumstances the Turtle Mountain Band of Chippewa Indians, nor any members of said band of Indians, shall take up arms against or resist the established authorities of the United States. Every person so violating this stipulation shall, in the discretion of the United States, be forever barred from the benefits of this agreement and all rights of such person or persons hereunder shall be forfeited to the United States.

ARTICLE X.

This agreement to be of no binding force or effect until ratified by the Congress of the United States.

ARTICLE XI.

It is mutually agreed that the sum of five thousand dollars of the fifty thousand dollars above stipulated be annually paid to the Turtle Mountain Band of Indians in cash, and that said sum be distributed per capita.

In testimony whereof the said Porter J. McCumber, John W. Wilson, and W. Woodville Fleming, commissioners as aforesaid, and the members of the Turtle Mountain Band of Chippewa Indians have hereunto set their hands and affixed their marks on the day and at the place above written.

Executed at Belcourt Agency, N. Dak., this 22nd day of October, A. D. 1892.

P. J. McCUMBER,	[SEAL.]
JOHN W. WILSON,	[SEAL.]
W. WOODVILLE FLEMING,	[SEAL.]

Commissioners.

We, the undersigned, separately and severally certify on honor that we have fully explained to the Indians whose names are hereto signed the above instrument, and that they acknowledged the same to be well understood by them.

JOHN BAPTISTE LEDEAULT. [SEAL.]
JOSEPH ROLETTE.

(The agreement is signed by Ka Kini wash, Kanik, and 259 others.)

We certify on honor that we were present and witnessed the signatures to this instrument by the Indians as above.

EARNEST WILLIAM BREMER.
WELLINGTON SALT.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same hereby is, accepted, ratified, and confirmed, except as to articles five and eight thereof, which are modified and changed so as to read as follows:

ARTICLE V. "The schools now located upon the above-named reserve are to be maintained in efficiency as at present, not exceeding twenty years and increased as necessity may require during said period."

ARTICLE VIII. "And in further consideration of the foregoing cession and stipulations, it is further stipulated that the six hundred and forty acres of land heretofore reserved to 'Red Bear,' a Chippewa Indian, by the treaty between the United States and the Red Lake and Pembina bands of Chippewa Indians, concluded October 2d, 1863, amended March 1st, 1864, and proclaimed May 5, 1864, be patented to the heirs of the Red Bear referred to in the said treaty;" and as so modified said agreement is ratified and confirmed.

SEC. 2. That for the purpose of making the surveys and allotments contemplated by Article III of said agreement, the sum of three thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

SEC. 3. That for the purpose of carrying the provisions of this act into effect there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of fifty thousand dollars, which sum shall be expended in the manner provided for in Articles IV and XI of said agreement: *Provided*, That none of the money, or interest thereon, which is by the terms of said agreement to be paid to said Indians, shall be applied to the payment of any judgment that has been, or may hereafter be, rendered under the provisions of the act of Congress approved March third, eighteen hundred and ninety-one, entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations."

NO. II AND D.

NO. 2.—PROTEST.

A protest was submitted by the Turtle Mountain Indians, in the State of North Dakota, against the ratification by Congress of the treaty or agreement concluded October 22, 1892 (House Ex. Doc. No. 229, 52d Congress, 2d session), and was referred to the House Committee on Indian Affairs, same said Congress, together with the documents of record in the Indian and other departments of the Interior, and was ordered to be printed as follows, to wit:

DOCUMENT NO. 1.—PROTEST.

Proceedings of Chief Little Shell and the council of the tribe, held October 24, 1892, protesting against the ratification by Congress of the report of the Turtle Mountain Indian commissioners of said alleged agreement. (Filed with the honorable Commissioner of Indian Affairs January, 1893. File No. 1893; special case No. 110.)

I.

Whereas the Pembina Chippewa Indians is one of the subdivisions and council fires of the great Chippewa Nation which was divided into two separate organizations under the leadership of two chiefs, as given in Exhibit A hereof; the Turtle Mountain Band, of which Ays sence, or Little Shell, senior (the father of the pres-

ent Little Shell), was the chief, who was also principal and head chief of the tribe; his successor, the present Little Shell, is so recognized now, and the Pembina Band which is a subband of the Pembinas of said Pembina Chippewas, and of which Mis co muhk quah, or Red Bear (the father of the present Red Bear), was the chief, and was recognized as the second chief of the tribe.

And whereas time out of mind it has been the custom, practice, and tradition among the Indians for the chief of the tribe to select his braves and councilmen from the members of said tribe to form his council; any one of said councilmen served only during the period in which he could act in harmony with the chief and the majority of said council, and when he could not do so he resigned. Such council answered the same end and purpose as does the Cabinet and Congress of the United States. Those customs and traditions have always been respected by the United States Government in all its dealings with the Indians wherever located. And in accordance with said customs and traditions Ays sence, or Little Shell, senior, appointed his council, which, with appointments made to fill vacancies, is the present council of the tribe (and not the committee's council, formed by the U. S. Indian agent, Waugh), whose names in their order, rank, and degree are as follows, to wit:

Ayabawaywetung, or Little Shell, head chief of the tribe, and his premier and chef soldat, Mis co be naice, or Red Thunder, 83 years old, who occupied the same rank and position to the late Chief Ays sence.

2. Oshkenowence, or Young Man, a brave, 50 years old, who also served under the late Chief Ays sence.

3. Ozhar washko be nay shea, or Barnarb, a brave, 72 years old, who also served under the said late Chief Ays sence.

4. Mudje be nace, 45 years old, son of the chef soldat Red Thunder, also a councilman of the late Chief Ays sence.

5. Metwahassink, 42 years old, son of the late Appwakwahanka, also a councilman of the late Chief Ays sence.

6. Bon homme, son of the late Annahkarsay, an old councilman of Chief Ays sence, 40 years old.

7. Way ge nar wah minish tah gos, 70 years old, also one of the old council of the late Chief Ays sence.

8. Sas swaine Poitras, 67 years old, also one of the old council of the late Chief Ays sence.

9. Kug kay dway wash kung (Wm. Davis), 70 years old, also an old councilman of the late Chief Ays sence.

10. Paydway waish kum, Louis Lenoir, son of the late Muhkudaybudtees, an old councilman of the late Chief Ays sence.

11. Boin ence Davis, 73 years old, who also was member of the late chief's council.

12. Kar yence, Delorme, 50 years old, a son of the late Auguhk qway, an old councilman of the late chief.

13. Sharlo, or Charles Bottineau, 68 years old, the old councilman and counsellor of the late Chief Ays sence.

14. Ossa otit (Frs. Demarais), 55 years old, who also was a member of the late chief's council.

15. Tchee kee tarn, Parisien, 68 years old, also was an old member of the late chief's council.

16. Batees shish Valley, 55 years old, a son of late Norbace Valley, a brave and councilman of the late chief.

17. Ahkee win nini, or Alex. Jannott, 58 years old, who also served ten years in the late chief's council.

18. Tcheer kuhk, or Joseph Demarais, 56 years old, who served also ten years in the late chief's council.

19. Bay riss, or Corbett Grant, 55 years old, also one of the late chief's council.

20. Karn nar dah, or Antoine Heneult, 59 years old, who also served ten years in late chief's council.

21. J. Batees Gorin (Champagne), 57 years old, also served ten years as councilman of late chief.

22. A ya beh tung, nephew of Red Thunder.

23. Kar nahar pew, son of Osh ke nowence, a brave.

24. Way ke mar, gar bow, a young brave, and four Oshkar bay wis sug, or attendants, viz: Inne pe narzhahkeet, 35 years old; Nanah tay wargodjin, 21 years old; Mudway aush kah, or Antoine Fournier, 35 years old, and Sharlence Azure, 57 years old, whose functions in council, when assembled, are similar to those of the Sergeant-at-Arms and his aides in the United States Congress.

II.

And whereas the claim of said Indians was duly presented by counsel to the Hon. John W. Noble, Secretary of the Interior, in a printed brief and argument, in support of a motion for a review and a decision, which cause is still pending for review and decision by the Secretary.

And whereas, pending such review and decision, a commission, consisting of P. J. McCumber, of Wahpeton, North Dakota; John W. Wilson, of Petersburg, Indiana, and W. W. Fleming, of North Carolina, now at Washington, D. C., appointed under the act of Congress of July 13, A. D. 1892, chapter 164, page 139, 1st session 52nd Congress, to negotiate with the Turtle Mountain Band of Chippewa Indians in North Dakota, "for the cession and relinquishment to the United States of whatever right or interest they may have in and to any and all lands claimed by them in said State, and for their removal and settlement upon other lands hereafter to be selected and determined upon by the Secretary of the Interior. Also to ascertain the number of said Indians, and the number of mixed bloods, if any, who are entitled to consideration by the United States Government."

Said commission met in session at the Turtle Mountain Indian Agency, North Dakota, Wednesday, September 21, 1892, and called for "Agent Waugh's standing committee," to meet them in open session, said committee consisting of thirty-two members, most of whom were half-bloods, and were not recognized by the tribe for any purpose whatever, and never have been. Said Agent Waugh's committee, in concert with said commission, proceeded to make up the roll from old rolls, whose origin was (to the Indians) (unknown), using Little Joe Rollette, an incompetent and prejudiced interpreter.

At said meeting of the commission and Waugh's committee, Wednesday, September 21st, 1892, John B. Bottineau, as the attorney of Little Shell and his council, appeared for them and stated that all the Indians had assembled to meet the commission, according to the invitation extended to them, and had for that purpose left their work at home undone, and had been there several days, eating in the meantime five beef cattle, that their provisions were now exhausted, and they were, in fact, starving.

At this point the commission stated that they had not asked the Indians to meet them, and refused to feed them, saying that if the Indians had anything to do they had better go do it, and they would be notified when to meet the commission; when Agent Waugh interposed, saying that he was sorry that the Indians had misunderstood his letter and that it was not an invitation to the Indians to meet the commission; but the truth of the matter is, that the letter of Agent Waugh *did* read in substance as follows: That the commission would be at the agency to meet them (the Indians) on a given day. The commission then stated that they were first going to complete the rolls, and that they were proceeding in the matter according to methods of their own; whereupon said John B. Bottineau personally went and reported (to Little Shell and his 2 councilmen, then in council assembled), (these proceedings and the action of the commission, and their refusal to feed the Indians while there); they thereupon disbanded and went to their respective homes, leaving Little Shell and a committee of his councilmen to watch the proceedings of the commission, but before disbanding they made up a collection, such as was available by voluntary subscription, toward the subsistence of those who were to remain to watch the doings of the commission.

Chief Little Shell introduced Rev. Father J. F. Malo, their Catholic priest (who, he said, had saved many of them from starving to death), and requested that he be present with their attorney, Bottineau, and the Hon. John Burke, the judge of the county court of Rollette County, to assist them in these deliberations, and that they be so recognized by the commission.

At this point Mr. Fleming and Mr. Wilson, of the commission, said to him that Mr. Bottineau, the Rev. Father Malo, and Judge Burke would be so regarded.

Then Chief Little Shell introduced his councilmen, pointing to each of them in their order, viz: Miscobenace, or Red Thunder, his premier and chef soldat.

2nd. Oshke enow ince, or young man.

3rd. Ozhar washko be nay shea, or Barnarb, and others, who, in their turn, came forward and shook each commissioner by the hand, as is customary amongst the Indians.

Then Little Shell addressed the commission briefly, saying that he was glad to meet them and hoped that they would be successful in having a settlement acceptable to the Great Father in Washington and beneficial to them, and announced that Red Thunder, his chef soldat and councilman, would address the commission. Then came Red Thunder, who said, after shaking hands, "When you (the white man)

first put your foot upon this land of ours you found no one but the red man and the Indian woman, by whom you have begotten a large family," and pointing to the half-breeds present, he said: "These are the children and descendants of that woman; they must be recognized as members of this tribe." He went on to say that they had been waiting for a settlement for their lands a great many years, and in all that time they had gone hungry and many had died from starvation, and many others had dispersed themselves over the land and across the line into Canada in quest of something to live upon pending the settlement for their lands; and when this settlement is made they would all be back here again. Those of us who are here assembled to meet you are starving. We are all glad that our Great Father sent you here and we hope that you will relieve us from starvation, for we have nothing to eat.

Then the next two braves and councilmen in their turn addressed the commission in much the same strain.

To this the commission replied, in substance, that the Great Father had sent them to see him, Little Shell, to ascertain who were the members of his band of Turtle Mountain Indians, to find out their condition, and secure from them the relinquishment of whatever title they might have to the land they claim; that they had no provisions to give them now, and would not issue food to them until they invited them to meet them for that purpose; that they were sorry that they had left their work and flocked there before without invitation; that they, the Indians, had evidently misunderstood Major Waugh's letter; that they could all go home and attend to their work, and that the commission would give a sufficient notice to all of them to meet the commission when they were ready for them. They stated that they had employed the committee (meaning Waugh's committee) to assist the commission in ascertaining who belonged to the Turtle Mountain Indians, saying, "This committee are the only ones we are feeding now; when we call you to meet us, we will then give you something to eat during the time that we will be here." At the same time they added that they would be glad to have Little Shell and all his council remain there and assist the commission in making up the roll of those entitled to membership in the tribe, but that they could not feed them. Then Little Shell and his councilmen, having nothing to eat, withdrew and went home, leaving said John B. Bottineau, their attorney, to act in their behalf in the matter and protect their rights.

During all the proceedings of the commission thereafter, in their inquiries as to those entitled to membership in the tribe, it was verbally agreed between said John B. Bottineau and the commission, in order to expedite the matter, that in lieu of taking exceptions to the rulings of the commission in each individual case, which would cause a great delay in the proceedings, he, John B. Bottineau, should have the right to file such exceptions after the list of the names of those whom the commission refused to recognize had been given him, in accordance with their agreement, and to file other papers as he might deem necessary.

At the conclusion of their week's work the commission did not furnish said John B. Bottineau the list, as they promised, but caused a list of those names rejected to be posted upon the doors of the church, with a notice dated September 24, 1892, which notice John B. Bottineau saw for the first time when he went to church the next day, Sunday, and took a copy thereof, which is hereto attached and marked Exhibit B.

And whereas, on the following Saturday, October 1, A. D. 1892, the commission informed John B. Bottineau, said attorney, that they were going to adjourn that day for the purpose of going to the Berthold Indian Reservation, on the Missouri River, on business, which was a part of their duties as commissioners, and that on such mission they would be absent about ten days, when they would return to the Turtle Mountain Agency to counsel with the Indians; that it was their intention during their ten days' absence to give the Indians a week's notice to assemble themselves to meet the commission, and that at such meeting those who had been rejected and had not availed themselves of the terms of the notice referred to, which is marked Exhibit B hereof, but could give a good and valid excuse why they had not complied with this notice, would be heard, but none others would be considered. Said John B. Bottineau then and there demanded from them a copy of their rolls and of their deliberations, or at least access to them,¹ and the time necessary to file his exceptions and papers in support of the rights of those whose names were rejected (during their absence). To this demand they agreed, and informed said John B. Bottineau that he could have access to said rolls at the office of the agency, where they were left with Mr. E. W. Brenner, the superintendent, and that the said John B. Bottineau would have at least ten days to prepare such matter as he might wish to present in support of these rejected cases. Then said commission adjourned their session in the afternoon of said day.

The commission then prepared for their journey to the Berthold Indian Reservation and left the agency on Monday, October 3rd, 1892. Just prior thereto said John

B. Bottineau again went to said commissioners and asked them regarding the rolls, as to whether they were accessible, and Mr. McCumber and Mr. Wilson, of the commission, who were then in their carriages about to leave, informed said John B. Bottineau that said rolls were with Mr. Brenner, as previously stated by said commissioners, and said John B. Bottineau was then particularly informed that Mr. Brenner was instructed to allow him, said John B. Bottineau, to have access thereto.

Upon the application of said Bottineau to Mr. Brenner for the purpose of obtaining access to said rolls, said Brenner then and there refused to allow said Bottineau to have the same or to give him any information relating thereto, except that the commission had passed upon and considered the claims of membership of 1,266 half-bloods and 245 full-blood Indians, total, 1,511, out of which 177 individuals were rejected, leaving 1,334 individuals approved as members of the tribe, besides 293 who lived outside the reservation, making a total of 1,627 individuals recognized by the commission.

By reason of the refusal of said Brenner said John B. Bottineau and Little Shell and his counsel were unable to get access to the rolls of said commission, which rolls were necessary in order to see what names had been omitted and what names rejected by said commission, so as to enable him, said John B. Bottineau, to bring those names, with additional evidence, for reconsideration by the commission when they should return from Berthold Reservation to the Turtle Mountain Agency.

For want of access to said rolls, by order of Chief Little Shell and his council, the request was sent to all members of the tribe within reach that each head of a family should send to the council without delay a list of the names of the members of his family, giving names, ages, sex, and relationship, to be presented to the commission on their return for their favorable consideration and enrollment. When the commission returned sooner than expected to meet the Indians, on Saturday, October 10, 1892, at 12 o'clock noon, said lists of the members of the respective families had not yet been completed. To the great surprise and disappointment of the chief and his council, who were assembled preparing the roll from the lists of names received from the heads of families for presentation to the commissioners, about an hour before the time of the convening of the commissioners' council there came into the council of the tribe an Indian policeman, who brought a written notice from the United States Indian agent, which he served upon J. B. Bottineau, the attorney for said Indians, who was then and there present, participating at the instance and request of said Chief Little Shell and the council of the tribe, ordering him to withdraw from the reservation or be arrested. Copies of said notice are hereto annexed and marked "Exhibit C" and "D," respectively. When said notice had been read to the Indians and the full meaning of the same explained to them, the Indians were completely stunned with astonishment, and when they had sufficiently recovered their power of speech they all, with one voice, shouted, "You shall not go," meaning that their said attorney, Bottineau, should not go, some going so far as to utter, "This is death to us; better meet it now than starve to death." But the cooler-headed men of the tribe, with their attorney, said John B. Bottineau, counseled moderation. They were reminded by their attorney that the Turtle Mountain Band of Indians had always been loyal to the Government; that the Government had the rights of conquest, and if they, the Indians, acted with moderation, in view of their previous well-known character for loyalty, would do them ample justice, and that they, the Indians, must not do anything to jeopardize their good character and damage their cause, but must wait patiently for the justice which in due time they were certain to receive from the Great Father, and that he, Bottineau, must for the present bow to the will of the United States agent, Waugh, and withdraw from the reservation. At this point Hon. John Burke, the judge of the county court of Rollette County, N. Dak., who had just come in at the request of Little Shell and the council of the tribe to assist them during their deliberations with the commissioners, addressed the Indians, indorsing the advice of their attorney, Bottineau, and, together with said Bottineau, withdrew from the reservation in compliance with said notice, leaving the Indians to meet the commissioners and secure a settlement as favorable as possible to all parties concerned.

When the council of said commissioners with said Indians had been in session eight or nine days the United States Indian agent, Waugh, of that reservation, and his self-constituted committee of 32, 16 full-blood and 16 mixed-blood Indians of his adherents in said tribe, accepted the terms of an agreement offered by the commission without the authority of the council of the tribe and against the expressed wishes of Little Shell and the majority of other representative men of the tribe, who objected to such action for the following reasons: First, because the self-constituted committee was never selected, appointed, or recognized by the tribe, and has no authority whatever to transact any business for them; second, because the agency

storehouse, in which said council meetings of the commissioners with the Indians were held, was only large enough to admit Waugh's committee and his adherents, constituting less than or about one-fourth of the tribe, in which storehouse, by reason of the partitions and the materials stored therein, it was impossible for all those admitted into the council therein to see and hear the speakers and understand what was going on; third, because they had not been given sufficient time or freedom for their consideration and deliberation on the subject proposed by the commissioners and then pending; fourth, because of the attempted coercion by threats made by the United States Indian agent, Waugh, of said reservation, who, among other things, stated to the chief and his councilmen that unless they signed said proposed treaty or agreement the Government would remove them at once from their lands.

For the reasons above stated, and on account of the discourteous treatment of those who were not in harmony with them by said agent and his said committee and adherents, Little Shell and his council and the representative men of the tribe, who had the welfare of the tribe at heart, withdrew from said commissioners' council and called and convened La Loge de Soldat, the council of the tribe. After they had discussed among themselves in said council assembled the proceedings and deliberations of the commissioners' council and the situation of their claim, they resolved to protest against the ratification by Congress of said proposed agreement, and further resolved that the Chief Little Shell, with the councilmen of the tribe, should proceed at once in a body to Rolla, N. Dak., and report to their said attorney, John B. Bottineau, and to Counsellor Judge Burke the arbitrary proceedings and deliberations of the council of said commissioners, the situation of their business with said commissioners, and the threats of the United States Indian agent as above stated, together with the following facts:

That said agent and his said committee had accepted the proposed agreement offered by said commission in settlement of their claim, and that the same was being signed by them; that the majority of said Indians, with the chief and councilmen and other representative men of the tribe, had withdrawn from the council of said commissioners with said committee without signing said agreement, but that a great many of the younger members of the band were being unduly influenced and intimidated into signing the same by their said agent, Waugh, and his adherents, the alleged committee. Wherefore, by resolution adopted by the chief and councilmen of the tribe, then and there in said council assembled, it was ordered that their said attorney, John B. Bottineau, be fully authorized to proceed without any unnecessary delay to file their protest against the ratification by Congress of said proposed treaty and to further prosecute their claim against the Government to its final adjudication and settlement. In pursuance thereof this council adjourned to Rolla. Chief Little Shell, with the councilmen and other representative men of the tribe, proceeded to Rolla and convened the council there. Vide minutes of said council proceedings of October 24, 1892, hereto annexed.

Wherefore, by virtue of the authority given to me by said Turtle Mountain Band of Chippewa Indians in the State of North Dakota to prosecute their claim against the United States Government for their unceded lands in said State, and to prosecute their protest against the ratification by Congress of a certain agreement alleged to have been concluded October 22, 1892, between the commissioners appointed under the provision of the Indian appropriation act of July 13, 1892, on the part of the United States and the said Turtle Mountain Indians, and to take general charge of and to prosecute their business incident to said claim, I do hereby protest against the ratification by Congress of said alleged agreement upon the following grounds:

First. Because the merit of the claim of said Indians, described in said alleged agreement, was formally prepared by me (said Bottineau) in a printed brief, and was argued and submitted by me to the Hon. John W. Noble, Secretary of the Interior, in support of a motion for a review and a decision to determine the merit of said claim, and was still then pending before the Secretary for a decision.

Second. Because the chief, with his councilmen and the majority of the leading and representative men of the tribe, had not been given sufficient time, freedom, or opportunity for their consideration and deliberation of the negotiations proposed by said commissioners; also for the reason that the agency storehouse, in which the council of the commissioners with said Indians were assembled, was only large enough to admit Waugh's committee and his adherents, constituting less than or about one-fourth of the tribe, and by reason of the partitions and the material stored in said storehouse it was impossible for all those admitted therein to see and hear the speakers and understand what was going on; and also by reason of the discourteous treatment by said agent and his said constituted committees and adherents of all those members of the tribe who were not in harmony with them, Chief Little Shell

and his councilmen and other representative men of the tribe became disgusted with their treatment and withdrew from said council to protest against such proceedings.

Third. The most decided objections are urged against the beggarly consideration proposed to be paid to them in the settlement of their claim, as mentioned in Articles IV and XI of said agreement, viz, \$50,000 annually for twenty years, payable as follows: Forty-five thousand dollars in farming machinery, products, seed, and other trucks or material which the Indians believe, from past experience, invariably proves more profitable to the commission or middle men, transportation and other agents, than to themselves, and only \$5,000 in cash to be divided per capita, during said twenty years, netting each individual only \$1.50 or \$1.60 for his share in cash.

The said allowance made by said commission in said proposed agreement in consideration for the claim of said Turtle Mountain Indians is, in point of fact, entirely inadequate to the value of their interest in the land therein described and should not for a moment be considered, and if, by inadvertence or other cause, this alleged agreement was ratified by Congress it would not only perpetrate the grossest injustice to said Indians, but would also lay the Government open to the charge of being inconsistent with its dignity or not honorable to its humanity and of exercising no little partiality in favor of Indians hitherto hostile, and against a tribe not only friendly, but one whose members have largely assisted the Government in its conflicts with hostile tribes, and who, moreover, have rendered their services to protect the interests of the Government against the array of Canadian smugglers along the national boundary.

The Government of the United States can not consistently discriminate against said Turtle Mountain Indians, because they are just as much entitled to the payment for their lands as are the other Indians who ceded their lands to the Government, notably the Chippewas in the State of Minnesota, under the treaty or agreement (see act of Congress, chapter 24, approved January 14, 1889, U. S. Stats., vol. 25, page 642), by which treaty the Government is paying \$1.25 per acre for agricultural lands, and for pine lands according to the estimates of the standing pine thereon, which estimates vary from \$5 to \$75 per acre; also to the Sioux Nation of Indians in Dakota, under act approved March 2, A. D. 1889 (U. S. Stats., vol. 25, page 896, vide section 21), "For the lands taken by settlers during the first three years, \$1.25 per acre, and 75 cents per acre for lands disposed of within the next two years following thereafter, and 50 cents per acre for the residue of the lands undisposed of," etc.; also to the Sisseton and Wahpeton bands of Dakota or Sioux Indians, \$2.50 per acre. (See article II, on page 1036, vol. 26, U. S. Stats.; also proclamation No. 22, 27 Stats., page 1017.)

Fourth. Because the proposed amendment fails sufficiently to provide for their education, especially for those Indian families comprising one-third of the population of the tribe, who are living within the boundaries of the original reservation and are now cut off from the present reduced reservation without being provided with schools. It also fails to make any provision for the regulation and government and for the protection of the person and property of the said Indians whereby controversies between the Indians personally and between the Indians and white men could be decided by arbitration among themselves, giving to the court of law jurisdiction over such cases, which provision said Indians insist should be made as is proposed in section 16 of said Senate bill No. 1932, Fifty-sixth Congress, first session, outlining the terms and conditions as proposed by said Indians for the settlement of their claim.

Fifth. Because said agreement, or 10-cent treaty, so called, was unlawfully concluded and executed with the younger or unauthorized members without the consent or approval of the chief and the council of the tribe. Said Chief Little Shell and his council, which is composed of his braves—the leading and representative men of the tribe—did not only refuse to sign said proposed agreement, but also did then and there oppose its execution, and ever since have protested against its ratification by Congress, for the good and valid reasons and objections above set forth. Therefore, in accordance with the laws, regulations, customs, and traditions of the Indians, which customs and traditions have always been respected by the Government of the United States in its dealings with the Indians wherever located, it is not binding.

Sixth. As soon as your honorable committee has found and concluded that the claim of the said Turtle Mountain Band of Chippewa Indians in the State of North Dakota to their unceded lands in said State, described in said Senate Report No. 693, Fifty-sixth Congress, first session, is well founded and valid, then we respectfully ask for an order that the Chief Little Shell and his council may be authorized and permitted to select and appoint a delegation from the members of said tribe to visit Washington, D. C., and appear before your honorable committee to adjust all differ-

ences and objections existing between the Government and said Indians and to negotiate with your honorable committee for an equitable settlement of their claim, either by treaty or agreement, upon such terms and conditions as are to the best interest of the tribe and the Government, thereby saving \$4,000 or \$5,000, which would be spent on another commission, which the Indians do not want, and thus finally settle this perplexing and protracted claim.

Seventh. If, however, your honorable committee finds there is not sufficient evidence herewith submitted in support of the claim of said Indians to warrant your favorable decision that the claim of said Indians is well founded and valid, and that they are fully entitled to an equitable compensation for the same, without any discrimination and in proportion to what the Government has paid and is paying to other Indians for a like interest and similar lands, then, in that case, we ask your favorable report upon Senate bill No. 624, Fifty-sixth Congress, first session, with the amendments to be proposed, for the purpose of referring this claim to the Court of Claims for adjudication.

Respectfully submitted.

J. B. BOTTINEAU,
Attorney for the Turtle Mountain Indians,
315 A street NE., Washington, D. C.

B.

In the matter of claim of the Turtle Mountain Band of the Pembina Chippewa Indians against the United States for lands in the State of North Dakota.

Council proceedings October 24th, A. D. 1892.

We, the undersigned, Chief Little Shell and his councilmen of the Turtle Mountain Band of the Pembina Chippewa Indians, on this 24th day of October, A. D. 1892, at the court-house at Rolla, in and for the county of Rollette, State of North Dakota, then and there being in council assembled—the Hon. John Burke, judge of said county, and the Rev. Father J. F. Malo, mission priest of the Turtle Mountain Agency in said State, both presiding at the special instance and request of said Chief Little Shell and his councilmen, respectively and collectively—do resolve and send greeting the following, to wit:

That whereas, after the Commissioner's and Agent Waugh's committees had arrived at the terms of the so-called treaty agreement for the settlement of the claim of said Indians, and during the afternoon and evening of the 23d day of October, A. D. 1892, at which place and time the head and representative men of said tribe, Chief Little Shell and his councilmen, assembled and discussed the said so-called treaty among themselves, and in said discussion, among other things, the following facts were found to exist, viz: That the room in which the commission held their meetings with the Indians was in the agency storehouse and was too small, as it would not hold more than about one-fourth of the tribe; that by reason of the partitions and the materials stored therein it was impossible for all those admitted to said room to see and hear the commissioners and other speakers; for this reason and that of the treatment of the Indians who were not in harmony with Agent Waugh and his committees, said agent and his committees and the Indian police prevented a great number of them from participating in the discussion of the treaty, on account of which the majority of them withdrew and went home disgusted; and a settlement of the treaty was arrived at by said U. S. Ind. Agent Waugh's committees and the commissioners and was then being signed.

Second. That the majority of those who signed the treaty agreement would not have done so if they had had proper opportunity of listening and participating in the proceedings; but by reason of the long delay, and the undue influence exercised by said committees, they were induced to sign, but soon realized that they had wronged themselves and children. It was then resolved by said meeting of Little Shell's council, that said Chief Little Shell, with his councilmen, should proceed at once to Rolla, N. D., and consult with John B. Bottineau, their attorney, to ratify and confirm all the proceedings of the grand council of the tribe held on the 29th day of January, A. D. 1892, in the Mission Church on the Turtle Mountain Indian Reservation, and to ratify and confirm the power and authority given him under January 29th, 1892, duly executed in due form, to said John B. Bottineau, by the special committee appointed by said last-mentioned council, for the purposes therein stated, and

to give to said Bottineau such other and further power and authority as he might deem necessary to continue the prosecution of said claim to its final adjustment.

Now, therefore, be it resolved, by the undersigned, Ayabe way we tung (Little Shell), chief of the tribe, and the undersigned councilmen of said tribe, in council assembled, that the proceedings held at the Mission Church by said Turtle Mountain Indians on said 29th (twenty-ninth) day of January, A. D. 1892, and the said power of attorney and agreement executed to said John B. Bottineau, pursuant to the deliberations of said council, be, and the same are, ratified and confirmed for and on behalf of said Turtle Mountain Band of Pembina Chippewa Indians; and resolved, that said Bottineau be fully vested with all the power and authority necessary to protest against the ratification by Congress of said treaty agreement and to prosecute the claim as such attorney of said Indians; and especially that he be authorized to employ one or more counsel to assist him in the prosecution of their claim. Signed in the presence of Honorable Judge John Burke and the Rev. Father J. F. Malo, presiding at this meeting. We hereby sign and affix our names hereto, each for himself and for and on behalf of the Turtle Mountain Band of the Pembina Chippewa Indians, this 24th day of October, A. D. 1892.

Ayabeway we tung (Little Shell), chief (his x mark).
 Ozharwashko benay shea (Barnarb) warrior (his x mark).
 Ayapitunk, nephew of Miscobenace (Red Thunder), chief soldat (his x mark).
 Kanahapew, son of Oshkenowence (Young Man), brave (his x mark).
 Way ke ma kahbow (his x mark).
 Mudje be nace (son of Red Thunder), a brave (his x mark).
 Metwahwassing (son of Apwahkar hung), a brave (his x mark).
 Bon homme (son of Annahkarday), a brave (his x mark).
 Way ginar wah minishtuggos, an old councilman (his x mark).
 Sas swaine Poitras, a brave (his x mark).
 Kug kaydway washkung (W. Davis), councilman (his x mark).
 Paydway wash kung (Louis Lenoire), councilman (his x mark).
 Boinence Davis (J. Baptiste Davis), councilman (his x mark).
 Karyence Delorme (son of Auguhk qwea), councilman (his x mark).
 Sharlo Bottineau (Charles Bottineau), councilman (his x mark).
 Ossaoitit (Frs. Demarias), councilman (his x mark).
 Tcheekee tarn Parisien, councilman (his x mark).
 Bates shish Valey (son of Norbace), councilman (his x mark).
 Ahkeewinini (Alex Jeannot), councilman (his x mark).
 Tcheerkuhk (Jos. Demarais), councilman (his x mark).
 Bay riss (Corbett Grant), councilman (his x mark).
 Kar nar dah (Antoine Heneauld), councilman (his x mark).
 J. Bates Gorin, a councilman (his x mark).
 Ininiker narzhahkeet, a brave (his x mark).
 Narnahtay war godjin, a brave (his x mark).
 Pee wah pehkardozh (son of Barnarb), (his x mark).

This is to certify that I have this day interpreted for Little Shell, chief, braves, and councilmen, in said council assembled, and I do hereby certify upon my honor that the foregoing proceedings and their deliberations, as therein contained, were carefully interpreted and explained by me to them and were fully understood by them before signing.

J. B. LEDEAULT,
Special Interpreter.

STATE OF DAKOTA,
County of Rollette, ss:

We, the undersigned, each for himself, do hereby certify that at the special request of Chief Little Shell and his councilmen above named, we both did preside at their said council, held in the court-house at Rolla, in said county and State, and through their interpreter, J. B. Ledeaule, the meaning of said proceedings and resolutions was fully explained and understood by said Indians, before signing in our presence, the day and year first above written.

JOHN BURKE,
Judge of said Co. Court,
 Rev. J. F. MALO, M. P.,
Moderators.

(See Comm'r Browning's rept. of July 6, 1893, pp. 133-137 Doc. No. 10 hereof.)

NO. III., D, E, F, G, H, I, K, L, AND M.

No. III.

POPULATION OF THE TURTLE MOUNTAIN INDIANS.

The population and condition of the Turtle Mountain Band of Chippewa Indians, both those living within their present reduced reservation and those living without and in the immediate vicinity thereof, at the time when said agreement of October 22, 1892, was concluded, may be correctly shown from the report of the honorable Commissioner of Indian Affairs for the year 1891 (vide vol. 1, p. 320 therein) as follows, to wit:

The Indian Office report for the year ending June 30, 1891, on page 80 thereof, shows as follows, to wit:

Population of Indians on the reservation.....	1, 526
Population of Indians in the vicinity of.....	626
Total.....	2, 144

Indians who wear citizens' clothes	725
Indians who speak English language	950
Number of Indians occupying dwelling houses upon the reservation... 351 families.	
Number of children of school age (6 to 16)	414

Enrollment of children at schools.

	Number of scholars.	Average attendance.
St. Mary's boarding school	207	153
Bishop Walker's school.....	27	9
Three Government day schools.....	138	17
Total.....	272	

Number of acres cultivated by the Indians upon the reservation.....	2, 083
Number of acres broken that year.....	411

Total.....	2, 494
------------	--------

Number of stock owned by the Indians:

Horses and mules	590
Cattle	658
Swine	67
Domestic fowls.....	667
Number of tons of hay cut and stacked	4, 000
Number of cords of wood cut.....	800

The Indian Office report of September 12, 1891 (see Ex. Doc., vol. 15, page 319, first session Fifty-second Congress), shows these Indians had under crop that year 2,083½ acres. In addition, 455½ acres of summer plowing, 411½ acres new breaking, and 386½ acres of vacant or uncropped lands. Grand total, 3,347 acres under cultivation upon the reservation of said two townships.

In this report the agent in charge of said Indians further says: "The reservation is not large enough for the number of people claiming residence; there is not land enough to ever make them self-supporting either by means of farming or stock raising. The people are very anxious to have the Government take up their affairs and make some final disposition of them. They recognize that the present arrangement can not always continue, as it is neither to the best interest of the Government nor themselves. Much was expected from the labor of the commission which was here last winter, and the failure to accomplish anything has caused great disappointment."

"In order to give as near as possible a complete census of the Indians and mixed bloods who in any way come in connection with the business of this reservation, I submit herewith a supplementary census and statistical statement of mixed bloods who reside in the immediate vicinity.

"The people mentioned are located as follows: Townships 163, ranges 69, 70, and

72, and the fraction of townships 164 south of the Canadian boundary in the same ranges; also township 162, range 69, and townships 161, ranges 69, 70, 71, and 72. This is surveyed land, but the occupants have been reluctant to file their claims, holding that they settled when it was included in the reservation and that they were entitled to it as Indians. In many cases filings have been placed on the land they occupied, which has caused much bad feeling between them and the whites." These Indians are those 626 mentioned in the foregoing report as living in the vicinity of this reservation. * * *

DOCUMENT No. D.

UNITED STATES INDIAN SERVICE,
Turtle Mountain Res'n Agency, October 15th, 1892.

JOHN B. BOTTINEAU, Esq.,
Belcourt, N. Dakota.

SIR: As per the inclosed you will observe that all persons except those mentioned in said notice are directed to withdraw from the limits of this reservation. I am instructed by the commission that in the matter of treaty for which a meeting has been called that they are instructed to deal directly with the people and will not recognize an attorney. Trusting that you will govern yourself in accordance with the directions of said notice, I remain,

Yours, truly,

JOHN H. WAUGH,
U. S. Indian Agent,
Per E. W. BRENNER,
Farmer in Charge.

DOCUMENT No. E.

[Inclosure of the above.]

UNITED STATES INDIAN SERVICE,
Turtle Mountain Res'n Agency, October 15th, 1892.

To whom it may concern:

Notice is hereby given to all parties who are not residents of the Turtle Mountain Reservation, or enrolled as members of the Turtle Mountain Band and accepted by the commission now present as entitled to participate in any proceedings with the said commissioners having in view the making of arrangements for a treaty, are hereby directed to withdraw from within the limits of the Turtle Mountain Reservation at once or be arrested.

JOHN H. WAUGH,
U. S. Indian Agent,
Per E. W. BRENNER,
Farmer in Charge.

DOCUMENT No. F.

NOTICE.

List of names stricken off from the rolls as parties not entitled to the benefits of a treaty with the Turtle Mountain Chippewa Indians.

Michael Allard.
Francois Allery.
Pierre Allery.
Napoleon Bercier.
Norbert Bercier.
Moses Bercier.
Joseph Bercier.
Mary Bercier.
William Bercier.
J. B. Bercier.
Hyacinth Bercier.
Antoine Bouvier.
Angelie Brieve.

Joseph Boneau.
Joseph Brazo.
Casimere Bouvier.
Madelaine Bouvier.
Angelique Boneau.
Abraham Boyer.
Eliza Boyer.
Sussette Bruce.
Frizine Cyre.
Ambroise Chartrand.
Chas. Demontigney, sr.
Chas. Demontigney, jr.
Joseph Diome.

Francois Jeannotte.
Gaspard Jeannotte, sr.
Alexandre Jeannotte.
Gaspard Jeannotte, jr.
J. B. Lafontaine.
Louis Lafontaine.
Leon Lafrenier.
Francois Lefort.
Antoine Laraque.
Pierre Lambert.
James Laraque.
Catherine Lissotte.
Oliver Laraque.

List of names stricken off from the rolls, etc.—Continued.

J. B. Langan.	Andre Dejarlaid.	Francois McCloud.
Jeremie Ledoux.	Hermance Demontigny.	Moses McCloud.
Margaret Langan.	Madelaine Ducept.	Margaret Malaterre.
Gilleum Langan.	Philomene Dion.	Alexander Morin, sr.
Alexander Laraque.	Antoine Enno, sr.	William Morin, sr.
Michael Langan.	Antoine Enno, jr.	Roger Morin.
Edward Langan.	Francois Fournier.	Theophile Martin.
Francois Langan, sr.	George Frederick.	Frezine Martin.
Francois Langan, jr.	Joseph Fleury.	Leonard McKay.
Augustin Lefort.	Andre Fleury.	Patrice Morrissault.
Charles Laviollette.	Wm. Fayant.	Starr McGillis.
Jacob Laviollette.	Alexis Gunneville.	Francois Morin.
Albert Laviollette.	Antoine Gunneville.	Pierre Morin.
Francois Laviollette.	Stanislaus Gosselin.	Charles Peltier.
Patrice Demontigny.	Alexis Zast.	Pierre Paul, jr.
Margaret Dauphinais.	J. B. Jeannotte, sr.	Pierre Paul, sr.
Daniel Daignon.	Joseph Demarais.	Solomon Paul.
Urbane Delorme.	Pierre Lizotte.	Norbert Poitras.
J. Baptiste Davis, sr.	Joseph Langan.	J. B. Peltier.
J. Baptiste Davis, jr.	Pierre Lavallie.	Corbette Pacnaud.
Laran Duchain.	Madelaine Lafontaine.	Jerome Premeau.
Joseph Delorme, 2nd.	Charlotte Lafontaine.	Francois Packnaude.
Chrisistom Duchain.	Napoleon Landry.	

UNITED STATES INDIAN SERVICE,
OFFICE OF TURTLE MOUNTAIN COMMISSIONER,
Belcourt, North Dakota, September 24th, 1892.

You, whose names are above written, are hereby notified that you are not accepted as members of the Turtle Mountain Band of Indians, and you are further notified that any party dissatisfied with the action of the commission in rejecting his or her claim to membership in said band may appear before the said commission at Belcourt post-office, in said county of Rollette, North Dakota, with witnesses to establish his or her claim, if they have any, to membership in said band.

The commission will commence to hear testimony at said place on Monday, the 26th of September, A. D. 1892, at nine (9) o'clock, and continue in session for that purpose until all persons desiring to establish their claims shall be heard.

J. P. McCUMBER, *Chairman.*
JOHN W. WILSON,
Member Commission.
W. WOODVILLE FLEMING,
Member of the Commission.

DOCUMENT No. G.

Copies of certificates of identity, issued by Robert S. Gardner, United States Indian inspector, to individual members of the Turtle Mountain Band of the Pembina Chippewa Indians, who had made settlement upon lands embraced within the reservation described in Executive order, December 21, 1882, by President Chester A. Arthur.

To secure them protection in their individual claim, whose privileges as such Indians were denied by ex-United States Indian Agent Waugh's ruling, part of said certificate holders being among the 35 individuals who are still occupying claims on the reservation reported in letter of May 29, 1893, by said farmer in charge, through Agent Waugh's committees. (See Document No. 12 hereof.)

COPY OF CERTIFICATE TO MEN.

UNITED STATES INDIAN SERVICE,
OFFICE OF U. S. INDIAN INSPECTOR,
Belcourt, N. D., August 18, 1885.

I, Robert S. Gardner, U. S. Indian inspector, do hereby certify that *James Azure* is an Indian of the Turtle Mountain Band of the Chippewa tribe of Indians, of the age of 21 years, and not the subject of any foreign country.

ROBERT S. GARDNER,
U. S. Indian Inspector.

G.—COPY OF CERTIFICATE TO WOMEN.

UNITED STATES INDIAN SERVICE,
OFFICE OF U. S. INDIAN INSPECTOR,
St. Johns, D. T., August 19, 1885.

I, Robert S. Gardner, U. S. Indian inspector, do hereby certify that *Mary Rose Belgard* is an Indian of the Turtle Mountain Band of the Chippewa tribe of Indians, and is the head of a family, and not the subject of any foreign country.

ROBERT S. GARDNER,
U. S. Indian Inspector.

DOCUMENT NO. H.

Partial list of names of holders of certificates.

James Azure.	Charles Laviolette.
Mary Rose Belgard.	Albert Laviolette.
Jean Baptiste Bercier.	Michael Langan.
William Bercier.	Francois Langan.
Joseph Bercier.	Ester McGellis.
Colbert Bercier.	Pierre Paul.
Angelique Bouneau (alias Bonneau).	Charles Pattenau.
Joseph Bouneau (alias Bonneau).	Louison Richard.
Lagloire Bouneau (alias Bonneau).	Charles Ross.
Francois Desjerlais, No. 3.	Joseph Sayre.
Francois Demarais.	Andre St. Germain.
Francois Dauphinais, since deceased, and certificate now held by his widow,	Francois St. Germain, since deceased, and certificate now held by Therese Beau-
Margeret Morin.	neau, his widow.
Urban Delorme.	James Slater.
Job Falcon.	Francois Suan.
Jean Louis Fagnan.	Frederic Suan.
Joseph Fleury.	Pascal Trottier, since deceased, and certificate now held by Rose Trottier, his widow.
Augustine Le Fort.	Louise Trottier.
Alexander Jaunotte.	And fully two hundred other individual settlers whose certificates of identity I have not at hand.
Francois Jaunotte.	
Jasper Jaunotte.	
Jasper Jaunotte, jr.	
Ursule Lafreniere.	
Baptiste Laviolette.	

Respectfully submitted.

J. B. BOTTINEAU,
For and on behalf of said Claimants.

WASHINGTON, D. C., *August 27, 1894.*

DOCUMENT NO. I.

Affidavit of Francis Lefort, Leon Lafreniere, and others relative to settlements and improvements made by them in township 162 north, range 70 west, before said township was set apart for the present Indian reservation.

[File No. 5112-93, Department of the Interior, July 7, 1893.]

STATE OF NORTH DAKOTA,
County of Rolette, ss:

Francis Lefort, Leon Lafreniere, Peter Paul, John B. Bercier, Napoleon Bercier, Corbet Bercier, and Rev. J. F. Malo, being first duly sworn, on their oath each say for themselves that they know of their own personal knowledge that in August, 1882, Francis Lefort, Leon Lafreniere, Peter Paul, sr., John B. Bercier, Napoleon Bercier, Corbet Bercier, William Bercier, Moses Bercier, Hyacinth Bercier, Peter Paul, jr., Solomen Paul, and Joseph Bercier made a settlement upon land in township 162

north, of range 70 west, in Rolette County, North Dakota, before said township was set apart for an Indian reservation or for Indian occupancy; that said parties settled upon the said land in good faith and in good faith made improvements thereon by building houses and breaking the land upon which they settled; that the Government has heretofore never interfered with the said claimants, but, on the contrary, has encouraged said claimants, as shown by letter hereto attached marked Exhibit A; that since the action of the recent Indian commission in September and October of the present year the Indians on the reservation have told them that they must move off, and cut no wood, for any purpose whatever, from the land, except fuel, upon which said claimants reside, and such statements came directly from the subagent, E. W. Brenner; that said claimants are desirous of knowing what, if any, rights they have upon the said land, and that they be either allowed to remain on their said claims or be paid for their improvements thereon.

The said claimants have during all of the time since the establishment of said reservation faithfully observed the intercourse laws, and have never interfered with the Indians in any manner whatsoever.

J. F. MALO, M. P.
 NAPOLEON BERCIER.
 FRANCIS LEFORT (his x mark).
 CORBET BERCIER (his x mark).
 JOHN BERCIER (his x mark).
 PETER PAUL (his x mark).
 LEON LAFRENIERE (his x mark).

Witnesses:

JOHN BURKE.
 JOHN BRIDSTON.

Subscribed and sworn to before me this 21st day of November, A. D. 1892.

[L. S.]

JOHN BURKE,
Judge and ex Officio Clerk of County Court
in and for Rollette County, N. Dakota.

DOCUMENT NO. K.

Copy of letter March 30, 1885, from the Hon. John W. Atkins, Commissioner of Indian Affairs, to Francis Lefort, referred to as Exhibit A in his affidavit. (See Document No. 13 hereof.)

[File No. 5112-93, Department of the Interior, Indian Division, July 7, 1893.]

DEPARTMENT OF THE INTERIOR,
 OFFICE OF INDIAN AFFAIRS,
 Washington, D. C., March 30, 1885.

FRANCIS LEFORT, Esq.,
St. John, Turtle Mountain, Dakota Territory.

SIR: Your two letters dated September 10th, 1884, and January 30, 1885, respectively, addressed to the Secretary of the Interior, were first referred to the General Land Office. You desire to obtain title to a tract of land in township 162 N., R. 70 W., upon which you claim to have made settlement in August, 1882, before said township was set apart for Indian occupancy. In reply I have to say that it is not the intention to disturb settlers who had located and made improvements upon any of the lands now embraced in within the Turtle Mountain Reservation prior to the date of its establishment. The purpose of making said reservation was mainly the protection of the Turtle Mountain Indians, to secure lands upon which they might be severally located; but it is not believed that they are sufficiently advanced in civilization to receive lands in severalty, and it is the present intention to hold the reservation for their common use and occupancy.

Even if the tracts which is claimed were settled upon prior to the establishment of the reservation had been excepted by the Executive order creating it, title could not be obtained at present, for the reason that the townships in question have never been subdivided, and consequently the lands are not subject to entry. If settlers who had located in good faith upon lands within said reservation prior to the date of the order creating it desire to continue in possession of their respective tracts, with a view to entering the same whenever they become subject to disposal, if at all, they will not be interfered with so long as they faithfully observe the intercourse

laws and abstain from improper interference with the Indians. No one who has settled on the two reserved townships since the date of their withdrawal for Indian purposes will be allowed to remain.

Very respectfully,

JOHN W. ATKINS, *Commissioner.*

I hereby certify that the within is a true copy of a letter dated at Washington, March 30th, A. D. 1885, and signed by the commissioner.

[L. S.]

JOHN BURKE,
*Judge and ex Officio Clerk of County Court
in and for Rollette County, North Dakota.*

DOCUMENT NO. L.

Letter, June 16, 1893, from John H. Waugh, United States Indian agent at Devils Lake Agency, N. Dak., to Commissioner of Indian Affairs, relative to Canadian Indians who are living on the Turtle Mountain Reservation, and inclosing communication from American Turtle Mountain Indians in regard thereto.

[File No. 5115-93, Department of the Interior, Indian Division, July 7, 1893.]

UNITED STATES INDIAN SERVICE,
DEVILS LAKE AGENCY,
Fort Totten, N. Dak., June 16, 1893.

SIR: I have the honor to forward herewith a communication from the committee who were appointed at the Turtle Mountain Reservation to assist the agent and the treaty commissioners in designating who were the American Indians at Turtle Mountain. The statements set up therein are facts within my own knowledge, and I believe something should be done to remove those Indians from the reservation who are not entitled to remain there. They were notified to remove in April last by order of the Commissioner of Indian Affairs, but they have not obeyed the order, and I did not deem it advisable to do anything further in the matter unless instructed to do so by the Department; but so long as those Canadian Indians are allowed to remain on the reservation it will be impossible to do anything for the civilization of the Indians who belong there, and it will be impossible to remove them except by the assistance of United States troops.

I have the honor to be, very respectfully,

JOHN H. WAUGH,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DOCUMENT NO. M.

Communication, Turtle Mountain Reservation, May 29, 1893, from the committee of thirty-two Turtle Mountain Indians, relative to Canadian Indians living on the reservation, to the United States Indian agent, John H. Waugh, at Devils Lake Agency, N. Dak., and by him forwarded to Commissioner of Indian Affairs.

[File No. 5112-93, Department of the Interior, July 7, 1893.]

TURTLE MOUNTAIN INDIAN RESERVATION, N. DAK.,
May 29, 1893.

Maj. JOHN H. WAUGH,
U. S. Indian Agent, Devils Lake Agency, N. Dak.

DEAR SIR: The committee of thirty-two, selected among the Turtle Mountain Indians to represent them in their dealings with the United States Government, respectfully represent: That they have labored faithful to help you and the treaty commission to make a settlement of their affairs on a just basis, and one which would be in line with the views of the Indian Department as understood by them. They recognized, as the first step necessary, the elimination of foreign Indians and of people not entitled to be considered as Turtle Mountain Indians; this resulted in the striking off of the rolls of 512 individuals, and the treaty commission recognized their work and acted in accordance with it.

Some of the people thus stricken off resided away from the reservation, but there are thirty-five claims on the reservation still occupied by them, and although your notice telling these people to go away has been posted up for some time they have remained and put in crops. These people, although at present receiving no help from the Government, occupy land that is needed by those who have a right to be here, and cut down our timber and live on us, and, besides, are a disturbing element among us. They feel enraged at the course taken by the committee and jeer at them because no active efforts have been made to remove them, and assert that they will not vacate unless made to do so by force.

The committee feel that it is due them for the interest they have taken and the help they have given the treaty commission that some action be taken looking toward the removal from the reservation of the people who have no claim to remain. They also feel that delay in the past has been the principal cause of the complications existing in the affairs of the Turtle Mountain Indians, and that further delay will only add to the difficulties, and therefore urge prompt action on the treaty made with the United States Government in October, 1892.

We are, respectfully, your obedient servants,

Kaken awash (his x mark).
Mesh Ko mah Kwa (his x mark).
Kakapines (his x mark).
Conie (his x mark).
Waw nakwat (his x mark).
Kawilawinin (his x mark).
Akasitones (his x mark).
Kat ake wabeting (his x mark).
Mekioam (his x mark).
Kashpa (his x mark).
Joseph Langer (his x mark).
Alexis Montrul (his x mark).
Archibalt Aiken (his x mark).

Joseph Rolette.
M. J. Rolette.
Kake piness (his x mark).
Antonie Brien (his x mark).
Andre Alley (his x mark).
Peter Grant (his x mark).
Francois Anyotte (his x mark).
Alexander Wilkie.
J. B. Wilkie.
Roger Jeume.
Anakonika (his x mark).
Gabriel Aznee (his x mark).
Joseph Gourneaw, sr. (his x mark).

Witnesses to the marks:

E. W. BRENNER.
JOSEPH ROLETTE.

NO. IV.

TRADING POSTS OR ESTABLISHMENTS.

List of the several trading posts established for the purpose of carrying on trade with the Indians within the boundaries of the territory then known as "The Red River Chippewa Indian country," being the country of the present so-called "Turtle Mountain Band of the Pembina Chippewa Indians," in which said trading establishments said Indians were especially interested as a market for the exchange of their furs and other products for supplies, etc., which list shows the locations, the dates or periods, and by whom said several trading posts were established, occupied, and maintained throughout their said Indian country, as follows, to wit:

Pembina River Post.—This post, or so-called trading establishment, is referred to in the narrative of the early travelers and explorers, oftentimes simply as, first, Pembina River Post or establishment; second, Grant's house or establishment; third, Chaboillez Post, house, or establishment; fourth, N. W. Co's house or establishment, or Fort Pembina River or Pembina River Fort. By Alexander Henry and by subsequent travelers and explorers it is more properly designated according to the time or period when the same was built or rebuilt, occupied, and maintained by the party named.

First. "The Pembina Post," or "The Grant house or establishment," which was built by Peter Grant about the year 1794 or 1795, on the east bank of the Red River of the North, immediately opposite the confluence of the Pembina River from the west. This spot is covered by the present city of St. Vincent, Minn. (This trading post, however, appears to have been built and occupied previous to Peter Grant's time, or soon after Sieur de la Verendrye built Fort Rouge, in 1734, at the confluence of the Assiniboine with the Red River of the North, and probably had some one trading at Pembina for the French prior to Mr. Grant.)

Second. Chaboillez's house or establishment, which was built and occupied by Mr. Chaboillez (possibly Charles Jean Baptiste, who built a trading place and wintered therein, where Rat River joins Red River, a few miles below Pembina, in 1796-97

and abandoned it) in 1797-1808, and which stood on the west bank of the Red River of the North, immediately south of the outlet of the Pembina River into Red River.

Third. Pembina River Post (Henry's house or establishment) was built and occupied by Alexander Henry in 1801, and was located upon the west bank of the Red River of the North, immediately north of the outlet (embouchure) of the Pembina River into the Red River and opposite the old Chaboillez house, which was across the Pembina River on its southern bank. This Pembina River trading post or house has been variously described and referred to by the early travelers and explorers and must not be confounded with the Hudson Bay Company's house or trading post, which was situated during the time of Mr. Chaboillez north of the Grant house, on the east bank of the Red River of the North, and was subsequently rebuilt on the west bank of the Red River about a quarter or half a mile north of the national boundary. Charles McKenzie remained but a short time, and after him came Mr. Wells (possibly Bartiste Welles, Wells), called by the Indians *Gah se moan* (a sail), from the roundness and fullness of his person. He built a strong fort on Red River, near the mouth of the Assiniboine River, subsequent to the establishment of Fort Rouge post by Verendrye at that point. (Coues's 448, note 1; also Tanner's, p. 181.)

Hair Hill's Post, or *Petit Montagne Poil*, at head of *rivière aux Iselettes de Bois* (Wooded Islets River), was also identified as an important trading point, and was the home of the Indians as early as the period of the Pembina trading place, or since about 1787, by all the subsequent traders of the Pembina trading place and by the narrative of other travelers and explorers, notably by Alexander Henry, David Thompson, and John Tanner.

Fifth. *The Park River Post*.—This post was built by Alexander Henry in October, 1800, and consisted of one dwelling blockhouse built of oak logs, 18 by 24 feet; one storehouse, 18 by 24 feet; a shop, 15 by 16 feet; and a flagstaff of oak 55 feet high, all inclosed within a palisade 14 feet high, built of oak logs. This post became next in importance to Pembina Post, and was maintained in the same manner as this trading house during all the time of Mr. Henry's trade in that country, and by Mr. McKenzie and those who succeeded him at the Pembina Post, which was in fact the headquarters of the Upper and Lower Red River trade of Mr. Henry and the Northwest Company.

Sixth. The *Grandes Fourches Post* (Grand Forks), though not a very extensive or trading post, was situated on the east bank of the Red River, immediately north of and below the confluence of the Red Lake River from the east, and appears to have been established as a trading place at a very early period, like the Pembina trading place. During that early period there also appears to have been established and occupied a trading place on the east bank of the Red River, immediately north and south of the confluence of said Red Lake River. The place was identified as *Fort de Bois Blanc*, or *Basswood Fort*, and was used by the Indians and half-breeds inhabiting that part of the country as a fort of protection and defense and against the raids of war parties, notably of the Sioux, from the time that Mr. Verendrye gave it its name "*Grandes Fourches*" in 1734, until about 1796. After that time, until 1802, when Mr. Henry rebuilt a post there and maintained it as a trading place during his affiliation with the Northwest Company, no trading post appears to have been maintained at *Grand Fourches*.

Seventh. The *Salt River* post or trading place does not appear to have been a very important trading point, though it was in existence during the years from 1787 until some time in 1800. It was situated at the mouth or confluence of the *Big Salt River* with the *Red River*, and was described by Mr. Thompson as the site of *Roy's Northwest Company's house*, at which he arrived at 9.30 a. m. Thursday, March 22, 1798. *Roy* was at home, and Mr. Thompson stayed overnight before crossing *Red River* en route to *Red Lake* and the *Mississippi*. What *Roy* this was, of a dozen or more who figured in the annals of this time, we are not informed—possibly the same one who had the house on *Cas Lake*, at which *General Pike* stayed from February 12 to 14, 1806. (Coues's, 137, note 18.) Mr. Henry does not make any particular mention of the trading place; only of the *Big Salt River*, of which he says that the *Big Salt River*, like its neighbor, *Park River*, takes its waters in the *Hair Hills* (*Pembina Mountains*), whence it comes down fresh and sweet half way to the level plain, where it is increased by small streams issuing from salt ponds, and soon after becomes a perfect brine.

While we scarcely find any particular mention of any important *Salt River* trading places, we do, however, find mention of that river and its salt ponds as a place where the natives made salt, as they also did at *Park River*, but not so extensively. Mention of this fact is made in the journals of nearly all the narratives and reports of travelers, explorers, and traders who were there or passed through that section of the country since the time that Mr. Verendrye speaks about salt making by the

inhabitants at those rivers and until as late as 1858, when some of my kin made salt there, some of which I have procured and used myself.

In this connection Mr. Henry, while he was making a tour visiting his outposts and trading places on February 13, 1802, says: "During my absence my people went up to Rivière aux Parcs, and made 10 kegs of salt." (Coues's, 193).

Eighth. *The Turtle River Post*.—This post was rebuilt by Alexander Henry in September, 1802, and was established at the place where the present town of Turtle River, N. Dak., is situated. This trading place was of considerable importance, as it appears to have been occupied and maintained by Daniel McKenzie of the Northwest Company during the period from 1787 until September, 1799, when he left it to go to Fort August with Messrs. Stuart and King. Mr. Henry occupied and maintained this Turtle River trading place during all the time he was in the country, as did also the Northwest Company after Mr. Henry left. (Coues's, 204, note 4; 216, note 18.)

There appears in the annals several other trading places at different points in that country, notably, Lac de Rosseau (Reed Lake), Lacs Placotte (Rib-bone Lakes), Turtle Mountain, Devils Lake, and other places, but they were only temporary winter quarters, or trading visiting places. (En Derouine, p. 166, note 27.)

NO. V.

CENSUS REPORT OF THE NORTHWEST POPULATION BY THE NORTHWEST COMPANY IN 1805 (HENRY, I, 282).

Report of Northwest population, 1805.

Departments.	Whites.			Indians.			Total.
	Men.	Women.	Children.	Men.	Women.	Children.	
Athabasca.....	208	48	84	(a)	(a)	340
Athabasca River.....	37	12	15	55	55	66	223
English River.....	78	40	63	215	380	1,100	1,876
Rat River.....	25	7	10	70	190	150	352
Fort des Prairies.....	136	59	103	4,823	13,632	45,906	64,609
Fort Dauphin.....	45	22	18	19	17	31	152
Upper Red River.....	56	52	82	1,170	1,200	2,500	5,060
Lower Red River.....	75	40	60	160	190	250	775
Lake Winipic.....	88	11	15	90	111	194	509
Lac la Pluie.....	46	10	10	103	141	195	505
Fond du Lac.....	128	29	50	449	784	1,944	3,384
Nepigon.....	90	20	20	238	283	299	943
Kamanistiquia, Mille Lacs, and Lac des Chiens.....	62	16	36	44	45	178	446
Lepic.....	16	2	36	44	45	168
Total.....	1,090	368	569	7,502	16,995	52,871	79,395
Amk. Co. Men and Co.....	520	37	31	588
Total.....	1,610	405	600	7,502	16,995	52,871	79,983

^a Not given.

Northwest returns of outfit of 1805, receipted at Kamanistiquia, 1806, Northwest country.

	Packs.
Athabasca and Salt (sic qu slave) Lake.....	297
Athabasca River.....	96
English River.....	116
Rat River.....	41
Fort des Prairies.....	303
Fort Dauphin.....	80
Upper Red River.....	156
Lower Red River.....	126
Lake Winipic.....	127
Lac la Pluie.....	102
Lac Mille Lacs.....	19
Lac des Chiens.....	9
Kamanistiquia.....	18

NOTE.—In this census the Indian wives and half-breed children appear to be enumerated as "whites." There were no white women in the country. The large fig-

ures for Fort des Prairies would appear to include the whole upper Saskatchewan region. There was more than one establishment so called. "AMK Co. Men & Co." is puzzling, but the monogram makes the letters A. M. K. initials of Alexander McKenzie; and the X. Y. Co. was sometimes known as "Alexander McKenzie and Co." Furthermore, Henry often alludes to a man and his family as such a one "and Co." I imagine, therefore, that the phrase means simply the X. Y. Co., men and their wives and children. The table is interesting as indicating the percentage of men who took Indian wives.

Henry's Journal, Coue's Ed., showing the returns from the several trading posts of the Red River department of the Northwest Company under Mr. Henry, from 1800-1808, inclusive, with the names of the traders employed in trading and in charge of the respective trading posts.

Volume I, page 184.—Returns for the year 1800-1801 show:

At Red River Post: Michel Langlois, employed as trader and in charge of the post.

At Park River Post: Mr. A. Henry, trader and in charge.

Profits and gain, Halifax currency, £1,958 11s. 11d.

Page 198.—Returns for the year 1801-1802 show:

At Grandes Fourches Post: John Cameron, employed as trader and in charge, X. Y. opposition.

At Hair Hills Post: Michel Langlois, employed as trader and in charge.

At Riviere aux Gratiats Post: J. B. Desmarias and Old Mouge, employed as traders and in charge of the place.

At Pembina River Post and headquarters: Mr. A. Henry, trader and in charge of the post, and John Crebassa, employed as assistant trader.

Gain, Halifax currency, £1,171 15s. 7d.

Page 221.—Returns for the year 1801-1802 show:

At Pembina River Post: A. Henry, trader and in charge, with John Crebassa employed as assistant trader.

At Turtle River Post: John Cameron, employed as trader and in charge of the post.

At Red Lake Post: Michel Langlois and J. Duford, employed as traders and in charge of the post.

At Prairie en Longue Post: James St. Germain and L. A. Jeunesse, employed as traders and in charge of the place.

At Bears Head Post: Louis Dorion, employed as trader and in charge.

At Lake Manitoba Post: John MacDonald, employed as trader and in charge.

At Portage la Prairie Post: Edward Harrison and Campbell, employed as traders and in charge of the post.

Gain not stated.

Page 245.—Returns for the year 1803-1804 show:

At Portage la Prairie Post: E. Harrison and Alex. Wilke, employed as traders and in charge of the place.

At Lake Manitoba Post: A. Desjarlaix, employed as trader and in charge of the place.

At Prairie en Longue Post: St. Germain and La Noix (possibly L'Aneau), employed as traders and in charge of the place.

At Dead River Post: T. Vaudry, employed as trader and in charge of the place.

At the Forks (Grandes Fourches) Post: L. Dorion, employed as trader and in charge of the place.

At Hair Hills Post: M. Langlois and Le Sieur, employed as traders and in charge.

At Park River Post: J. Cameron and Ducharme, employed as traders and in charge of the post.

At Pembina River Post: A. Henry, in charge of the place, with Charbonneau employed as trader.

Gain not stated.

Page 259.—Returns for the year 1804-1805 show:

At Portage la Prairie Post: Edward Harrison and Auguste Brisebois, employed as traders and in charge of the post.

At Dog Lake (Lac des Chiens) Post: A. Desjarlaix (Desjarlais) and A. Wilkie, employed as traders and in charge of the place.

At Prairie en Longue Post: Delorme (of Delorme's house in the Hair Hills in 1802), employed as trader and in charge of the place.

At Dead River Post: L. Dorion and George Nelson, employed as traders and in charge of the post.

At White Mud River Post (a tributary of Lake Winepic): T. Vaudry and A. Bethune, employed as traders and in charge of the place.

At Hair Hills Post: M. Langlois and James Caldwell, employed as traders and in charge of the post.

At Salt River Post: C. Hesse and J. Duford, employed as traders and in charge of the place.

At Pembina River Post: A. Henry, trader and in charge of the post, and J. Crebassa, employed as assistant trader.

Gain not stated.

Page 281.—Returns for the year 1805-06 show:

At Portage la Prairie Post: L. Dorion, employed as trader and in charge of the post.

At Dog Lake Post: A. Desjarlaix (Desjarlais), employed as trader and in charge of the place.

At Fort Wasp Mount (?) Post: A. Wilkie, employed as trader and in charge of the place.

NOTE.—Fort Wasp Mount appears to be an error of the copy, correction of which escapes me. On October 8, 1806, we are told in text that Mr. Wilkie and J. St. Germain were to go to Prairie en Longue. (Long Prairie Trading Post.)

At Grandes Fourches Post: J. Crebassa, employed as trader and in charge of the post.

At Pembina River Post: A. Henry, trader and in charge of the post.

Gain, £3,462 1s. 5d., H. Cy.

Page 422.—Returns for the year 1806-1807 show:

At Portage la Prairie Post: L. Dorion, employed as trader and in charge of the post.

At Rivière du Milieu Post: T. Vaudry, employed as trader and in charge of the place.

At Sandy Hill River Post, on Red River (p. 253): Wm. Henry and M. Langlois, employed as traders and in charge of the place.

At Pembina River Post: A. Henry, trader and in charge of the post.

Gain, £198 4s. 10d., H. Cy.

Page 440.—Returns for the year 1807-1808 show:

At Dead River Post (Rivière aux Morts): L. Dorion, employed as trader and in charge of the place.

At Hair Hills Post: M. Langlois, Delorme, and Bellaire, employed as traders and in charge of the post.

At Grandes Fourches Post: Wm. Henry (a cousin of Alex. Henry), and J. Stit (John Still), employed as traders and in charge of the post.

At Pembina River Post: A. Henry, trader and in charge of the post, and Wm. Henry (a cousin of Mr. Henry), employed as trader.

Gain, £473 13s.

NO. VI.

EXTRACTS FROM HENRY'S JOURNALS.

On Sunday July 20, 1800, Mr. Henry starts out from Grand Portage on the regular Rainy River route from Lake Superior to the Upper Red River country, through Lake of the Woods, the English or Winnipeg River and Lake, with his brigade of canoes laden with goods and supplies for his Red River trade.

On August 2, 1800, Mr. Henry arrives at the establishment of Lac La Pluie (Rainy Lake) where he found Mr. Grant, one of the proprietors of the Northwest Company, and stopped there for the day. Here he found a good garden well stocked with vegetables of various kinds, potatoes in particular, which were now eatable. The brigade arrived in the evening all safe. The gentlemen (of this brigade) danced until daybreak, all very merry. * * * On his way the next day Mr. Henry mentions meeting a camp of Red Lake Indians on the Big Fork River; also meeting a camp of Black River Indians on that river.

August 4.—Entered Lake of the Woods. Here he found a number of Indians who had made canoes, proceeding through Wood Lake to and down the English River to Lake Winnipeg, thence in a westerly and southerly course on said Lake Winnipeg to the Riviere aux Morts (In James Tanner's Narrative, Ne bo wese be. In Keating's Long's Exp. Onepowesebe), being on Red River about 9 miles up from the outlet into Lake Winnipeg, arriving at this place August 17. Here Mr. Henry notes,

"Riviere aux Morts derives its melancholy name from a tragic event which happened many years ago when the Crees, who had no other means of procuring necessities then by making an annual journey to York Factory on the Hudson Bay, generally assembled at this point in the spring. Having made every necessary preparation, the chiefs and most active young men and women embarked in small canoes with their furs, leaving the old people and children to pass the summer at this place, where there was plenty of game and fish. Once during the absence of the main party the Sioux fell upon this helpless camp and destroyed a great number of old men, women, and children. The others arrived too late to revenge themselves upon the enemy."

At this river the mainland really begins, although it is nearly 9 miles from the lake. Red River is here about a quarter of a mile wide.

August 18 (p. 43).—Proceeded (south) up Red River and ascended the rapids, which are nothing more than a very strong current. Here Mr. Henry again notes, "The Crees and Assiniboines formerly assembled here in large camps to await the arrival of the traders, and here we may say the meadow country commences."

* * * Passed Frog Pond on the west side, and soon afterwards Riviere La Seine, a creek which received its water from Cypress Hills. In short (August 18), we arrived at the forks where the Assiniboine joins Red River from the west, while the latter (Red River) keeps its course from the south. I found here 40 Saulteurs (Chippewas) awaiting my arrival; they were provided with a plentiful stock of dried buffalo meat and were anxious for a draw." * * *

"August 19, 1800.—We began early this morning to unpack, assort, and divide the goods, one-half being for Portage La Prairie, on the Assiniboine, and the remainder for Red River." * * * "This afternoon a few Indians arrived on horseback; they came from the direction of Portage La Prairie, and were of the tribe called Snakes, who formerly inhabited Lake of the Woods. They once were numerous, but now can not muster more than 50 men. They may be said to be of the same nation as the Crees, but have a different dialect, somewhat resembling the Saulteur language. They are a mischievous and thieving set of scoundrels. They now inhabit a tract of land upon the Assiniboine 30 leagues west from this place, and some of them are to be found almost all over the country where there are Saulteurs and Crees.

"I purchased a horse from them * * * and one of my people bought another for the same price. Those were the first and only two horses we had on Red River; the Saulteurs (Chippewas) had none, but always used canoes."

August 21.—Mr. Henry embarked his brigade, now reduced to four canoes, each canoe laden with 26 packages of goods for his Red River trade (which was in different parts of the country now claimed by the Turtle Mountain Indians). The roster of his Red River brigade consisted as follows, to wit. (See No. VII Roster, Park River brigade, 1800–1801.)

Roster Park River trading post brigade in 1800–1801.

On the 19th of August, 1801, we find Mr. Alexander Henry, then a bourgeois of the Northwest Company, in charge of a brigade of their employees composed of French voyageurs who were of squaw men, so called, with their women and papooses, which party numbered 29 persons in all and two horses, coming up the Red River of the North in canoes laden with their trading goods and supplies for their winter trade, the winter of 1800 and 1801 at Park River.

The parties are described as follows, to wit:

First canoe.—(1) Alexander Henry, bourgeois, in charge of the brigade; (2) Jacques Barbe, voyageur, conductor, or bowman (ducent); (3) Etienne Charbonneau, voyageur, steerer, or helmsman (guide); (4) Joseph Dubois, voyageur, steerer or helmsman; (5) Angus McDonald, voyageur, midman; (6) Antoine Lafrance, voyageur, midman; (7) Pierre Bonza or Bonga.

Second canoe.—(8) Michel (Coloret) Langlois, clerk (commis), with his wife and daughter; (9) Andre Lagasse, Lagace or Lagasser, voyageur, conductor, with his wife; (10) Joachim Daisville, or Donville, once Rainville, voyageur, steerer; (11) Andre Bauchemin, voyageur, midman; (12) Jean Baptiste Benoit, voyageur, midman.

Third canoe.—(13) Jean Baptiste Desmarais, interpreter, with his wife and two children; (14) Jean Baptiste Larocque, sr., voyageur, conductor; (15) Jean Baptiste Larocque, jr., voyageur, steerer; (16) Etienne Roy, voyageur, midman; (17) Francois Roger, sr. (?), voyageur, midman.

Fourth canoe.—(18) Joseph Masson or Maçon, voyageur, conductor; (19) Charles Bellegarde, voyageur, steerer; (20) Joseph Hamil, voyageur, midman; (21) Nicolas Pouliot, Pouliotte, Pouliatte, or Rubiette, voyageur, midman.

Roster of Red River Brigade continued from notes on pp. 45-55.

No. 3. Etienne Charbonneau continued as voyageur Northwest Company after 1804. Lake Winnipeg.—Louis Charbonneau appears, same as Etienne. One of these was with Henry, 1807-1808. Toussaint Charbonneau, of the Northwest Company, wintered at Pine Fort, on the Assiniboine, 1793-94. This is the individual whom Lewis and Clarke engaged at the Mandans, winter of 1804-1805, and who figures under so many aliases in the history of their expedition.

No. 4. There appear to have been two of this name in the Northwest Company. Joseph Dubois is listed as voyageur, Upper Red River, and the same as voyageur, Fort des Prairies, after the fusion of 1804. Jean Baptiste Dubois came to Sault Ste. Marie in 1803, and appears as voyageur Northwest Company, Fort des Prairies, 1804. Francois Dubois, voyageur Northwest Company, 1804, Rat. River country; wintered 1804-1805 at the house at or near Cranberry Lake, under Joseph Cartier. Antoine Dubois, Canadian, had been killed by Indians before 1807, when his daughter Marguerite, age 14, married Jean Joseph Roulette, 3d, at Prairie du Chien.

No. 5. Angus McDonald continued with Henry for some years, as we shall find. His humble station, if not his name, distinguishes him from the many McDonalds who are preferably noticed elsewhere.

No. 6. No further information of Antoine Lafrance. One Lafrance returned with 12,000 francs in 1791. One Lafrance was killed in the summer of 1799. Jean Baptiste Lafrance, Northwest Company, left Fort Esperance for the Mandans, December 10, 1793. The same appears as interpreter Northwest Company, Upper Red River department, September, 1804, and as clerk at the Mandans under F. A. Larocque, 1804; name misprinted Lachance in Masson, I., p. 81. The same of H. B. Co. left the Assiniboine, at mouth of the Souris, May, 1806, to trade with the Mandans and was that year found among them by Lewis and Clarke, Henry, and others.

No. 7. Pierre Bonga appears as interpreter Northwest Company, Lower Red River, 1804.

No. 8. Michel Langlois appears oftener as Michel Coleret or Colletterie; but Henry, who will have much to say of him, calls him Langlois except in one place. The term appears to be an epithet rather than a personal name, as if L'Anglais, the Englishman. Eustache Langlois was a voyageur, Northwest Company, 1804, Rainy Lake.

No. 9. No question of identity in this case. There is at least one other of the same surname, Charles Lagasse or Legace, who was with Thompson on the Upper Saskatchewan in April, 1800; went with him to the Kootenays October 5-23, 1800; was fitted out to winter with them, 1800-1801; was with Thompson in the Rocky Mountains, 1808-1810; deserted May 17, 1810, on Thompson's attempting to force him to duty for which he said he was not fit; reappears with Thompson at Ilthkoyape (Kettle) Falls on the Columbia, June 22, 1811, and went south August 29, 1811.

No. 10. "Daisville" or "Donville" is found in no other connection, and I suspect error, though the usual first name, Joachim, would seem to preserve identity. The connection of Rainville with this case is likewise dubious. Joseph Rainville with Henry at Pembina in July, 1804, accidentally killed V. St. Germain. Various persons of more than one generation were named Rainville, Reinville, or Renville, for example, see Pike ed., 1895, pp. 39, 40, 87, 99, 180, 207, 242; see also biogr. of one Joseph Rainville in Tasse, I, pp. 293, 304.

No. 11. André Beauchemin was still with Henry, 1807-1808. Jean Baptiste Beauchemin, voyageur, Northwest Company, Fort Chipewyan, 1799-1800, is called "cet homme sans souci," found at forks of Peace River, summer 1803; listed English River after fusion of 1804.

No. 12. No further record.

No. 13. Identity complete, and much said of him beyond; record goes from 1799 to 1823, when he guided Long's party from Winnipeg to Lake Superior by the Kaministiquia route, Keating, II, p. 67, and is spoken very highly of, p. 78. There were several others of this surname, which varies to Desmarais. One Desmarais was with Peter Grant at Lac la Rouge, 1789, very likely Jean Baptiste. Francois Desmarais is listed as interpreter, Northwest Company, Upper Red River, 1804. Ignace Desmarais, voyageur, Northwest Company, Nepigon, 1804. Louis Desmarais, voyageur, Northwest Company, Rainy Lake, 1804; Red River, with Henry, 1807-1808.

No. 14 and No. 15. Many persons—several generations—of this notable surname, which varies to Laroche, Larocque, Le Rock, etc. (and without the definite article). August Laroche, voyageur, Northwest Company, Red Lake department, 1804. Antoine Larocque, voyageur, Northwest Company, Lower Red River, 1804; at Pembina, under Henry, 1807-1808. Charles Larocque, of Northwest Company, at Pembina, with Henry, 1807-1808. Francois Antoine Larocque, clerk, Northwest

Company, Upper Red River, 1804; led the Mandan expedition of that year, etc. His full record will be noted beyond, when Henry is at the Mandans. Jacques Larocque, voyageur, Northwest Company, Red Lake department, 1804. The two named Jean Baptiste, Larocque, father and son, are not usually discriminated; we have records of one or both, 1800-1808, Red River, English River, Saskatchewan River, etc. Joseph Larocque, younger brother of Francois Antoine Larocque, was clerk, Northwest Company, English River, 1804; later as Astorian (full record beyond, when Henry is on the Columbia). Pierre Larocque, voyageur, Northwest Company, Fort Dauphin, Lake Winnipeg, etc., 1804. For one A. Rocque, or Roque, without the definite article, in Minnesota, 1805-1806, see Pike, ed. 1895, pp. 36, 41, 61. Joseph Roque was interpreter among the Sioux in Minnesota about 1786. Pascal Rocque is listed as a voyageur, Northwest Company, Le Pic, 1804.

No. 16. (For many persons named Roy, see a note beyond.)

No. 17. Name wholly in question.

No. 18. Record on to 1804. The surname is the same as that of Senator L. R. Masson, whose Bourgeois, etc., is one of the most notable and valuable contributions ever made to the history of the subject now occupying us.

No. 19. No further record of Charles. Another Bellegarde, first name unknown; of X. Y. Co.; was near Fort Chipewyan, May 23, 1800.

No. 20. Of Joseph Hamel, record to 1804, Lower Red River. At this time Francois Hamel, voyageur, Northwest Company, also there.

No. 21. Of him to 1804. "Rubiette" is a mere clerical blunder, and the name is now settled into Pouliot, borne by several well-known Canadian families.

List of the Upper Red River Indians in the Indian brigade of 45 canoes with Alexander Henry, for Park River Post, August, 1800 (pp. 53 and 54).

Native name.	French name.	English name.
1. Gay tay menomin	Vieux Folle Avoine	Old Wild Rice.
2. Tabashaw (chief)	Le Plus Bas	The Lower.
3. Ah goos	Le Pendu	Hanged.
4. Ay yea quay	La Berdash (Sucre's son)	Berdash.
5. Madgetonce (Ma che donce) ..	Le Petit Porteur	The Little Carrier.
6. Ocanashkit	La Queue D'Os	The Bone Tail.
7. Sesai (Zay zah)	Qui Se Balance, ou Balancier ..	The Swinger.
8. Nah be cah wah gunish	Vieux Collier	Old Necklace.
9. Ais enee	Petite Coquille	Little Shell.
10. Ah che ga day	Poule d'Eau	Water Hen.
11. Be pegouisse (Be pe gouissee) ..	Epervier Volant	The Kite Hawk.
12. Say song e nickaid	Bras Forts (or Gros)	Strong (or thick) Arms.
13. Wah be bin nay	Perdrix Blanche	White Partridge.
14. Aegnemanche	Petit Chef	Little Chief.
15. May co day con ah yea	Robe Noire	Black Robe.
16. Kay ge gay aon (Kah ge gay ow un)	Brume (Nuage) Continue	Everlasting Fog.
17. Ah che jack onse	Petite Grue	Little Crane.
18. Gausacheguishe (Gausah coh squn chew)	La Sangsue	The Leech.
19. Mah che wah ca quod	Mauvaise Hache	Bad Ax.
20. Ah ne bim ish	Liard	Cottonwood.
21. Cah gah ge bin quad	Le Borgne	The Blind.
22. On chins (Mouche)	Taon	Gadfly.
23. Naybunayishchung (Nay bun aish kung)	Corne D'un Bord	Horn on One Side.
24. Aishquebugocoge	Gueule Platte	Flat Mouth.
25. Mush co day bishe kee	Bœuf de Prairie	Buffalo.
26. Wayquetoe (We quay dong) ..	Faisant Tour Des Recoins	By Way of the Nooks or Corners.
27. Ke che o doon	Grande Gueule	Big Mouth.
28. Keche ah kee	Terre Grasse (or Grasse)	Thick (or Fat) Earth.
29. Gah da co nee aid	Bras Courts	Short Arms.
30. Mis co gwon	Capot Rouge	Red Hood.
31. Ondainolache (On din wah ne wain sish)	Petite Langue	Little Tongue.
32. Misesabitte (Mis ah yah bit- tah)	La Grande Moitié	The Great Half.
33. Wah ke ga daid	Jambes Croches	Crooked Legs.
34. Ah dick ons	Petit Caribou	Little Reindeer.
35. Quiniss (also Cautoquinnee) ..		
36. Nanaudeyee (Nay nah an de yee)	Ajustant Le Breuiller	Adjusting Breech Clout.
37. Ke che wigay wam	Grosse Loge	Big Lodge.
38. Gah gog	Corbeau	Raven (or Crow).
39. Pickoutiss (Bick oh ohdiss) ..	Le Gros Nombri	Big Navel.
40. Maymutch	Qui fait adroitement	He who does skillfully.
41. Cha no (brother of Corbeau) ..	Charlo	Charles.

List of Indians from notes on page No. 53, Elliott Coue's, vol. 1.

57. The list as it stands in copy is curiously trilingual—some names Ojibway, some French, some English, and others still a compound of French and English. I print the Indian names precisely as they stand, but translate the English and French into their equivalents, reciprocally, and correct the French forms. I will also hereafter hold Henry to the forms of the names which appear here, however variously they recur in the copy. The following remarks throw some little further light on the list: No. 1 stands in copy as Old Folle Avoine. No. 2 murdered his relative, Missistaygouine, February 15, 1803; killed by Sioux late in 1807. No. 4, A berdash, is any young man who affects the ways of a woman and suffers himself to be used as such (see Catlin's pl. 296, 4th ed., 1844, II, p. 214). It is curious to find the name in the list with the feminine article. Tanner (p. 105) speaks of this very person: "Some time in the course of this winter there came to our lodge one of the sons of the celebrated Ojibbeway chief, called Wesh ko bug, or Wiscoup (the sweet or Le Sucre), who lived at Leech Lake. This man was one of those who make themselves women and are all called women by the Indians. There are several of this sort among most, if not all, the Indian tribes. They are commonly called A go kwa (ay yea quay), a word which is expressive of their condition. This creature, called Ozaw wen dib (the yellow head), was now nearly 50 years old and had lived with many husbands." Tanner goes on to speak of "her," and relates his troubles in escaping from the "disgusting advances" which he, she, or it made. No. 6 is elsewhere Oucanaskit; died summer of 1802. No. 12 killed an Indian, Aupersoi, in Pembina Mountains, March 13, 1802, and was himself killed by Aupersoi's young brother the same day; whereupon No. 9 and No. 31 killed Aupersoi's mother. No. 12's son died February 27, 1803. No. 14 is elsewhere Aceguimance, Auguimance, Acquimance. No. 17 died February 27, 1803. No. 20's daughter became Henry's wife January 1, 1801. No. 22 is also found as Toan and Toansone; died summer of 1802. No. 23 is also found as Naubunaijam; killed by the Sioux early in 1806. No. 24 is the name of one of the most celebrated Ojibway chiefs who ever lived (see Pike ed., 1895, p. 169). No. 26 is also Waiquetoe. No. 31 is also Ondoinoiache and Ondoiworache; killed by Sioux November, 1803. No. 35 is probably also Cautoquoince. No. 36 is also spelled Nanaudaya, Nanauduge, Manaundea. No. 38 was brother of Charlo. No. 39 is also Picoutiss. No. 40 is elsewhere Maimiutch, Maimunch, etc. No. 41 died January 15, 1801. (Pp. 53-55.)

Additional list of names of persons who were listed and employed by the Northwest Company, and who were in that part of the country during Mr. Henry's time, and no doubt were the ancestors of a great majority of the present mixed bloods of said Turtle Mountain Indians.

P. 301, Joseph Hoole, voyageur N. W. Co., 1804; p. 301, Andre Portras, clerk N. W. Co., winter 1804-05, in charge of the N. W. Co. post at Queppelle; Poitra or Poitras again appears at Fort Esperance or Beaver Creek Fort; p. 206, Antoine Laplante, voy. N. W. Co., with Henry to 1808, was fifteen years in this country in October, 1818, when he was taken to Toronto as witness in Sample case; p. 226, Joseph Laplante, voy. N. W. Co. 1804; Michel Laplante, listed in Nepigon, 1804; Amable Turcotte, steersman N. W. Co., 1819; Jean Baptiste Turcotte, voy., listed in N. W. Co. 1804; p. 630, Baptiste Brunelle, N. W. Co. 1804, at Red River; Louis Brunelle, as the same, Upper Red River.

Louis Labissoniere, voy. N. W. Co., Red River, 1804; Labissoniers on Musquawegon Lake, Rat River country, 1804-05; probably same as next above; p. 301, Joseph Azure, with Charles McKenzie, voy. N. W. Co. 1804; Azure-engagé, N. W. Co., Assiniboine River, 1793-94; Azure Antoine, voy. N. W. Co., Rainy River and Upper Red River, 1804; p. 195, Joseph Cyr's appears in Masson's list of the N. W. Co., 1804, Lower Red River, with alternative spelling Sire, Sear, and Seer. Mr. Henry describes Joseph Cyr as a freeman, his hunter at Pembina winter of 1803-04.

P. 580, Bonhomme Lacerte, Gregory McLeod & Co. in 1786, N. W. Co., 1804; p. 876, Lafond Charles, voy. N. W. Co., 1804; Lafourmaise Joseph, voy. Ft. des Prs. N. W. Co., 1804; Laboucune-Coe's 613-14; Lafriniere A. is listed as voy. N. W. Co., Red River, 1804 (probably same as next above); La Franiere Antoine, N. W. Co., is named by D. Thompson Red Deer Lake, 1798-99; Lafreniere Jean Baptiste, voy. N. W. Co., Torch Lake, 1804; Lafreniere Pierre, N. W. Co., with Antoine 1798-99; p. 226, Antoine Lapointe, voy. N. W. Co., with Mr. Henry until 1808; he had been in the country about fifteen years when he was taken to Toronto as a witness in the Sample case; Joseph Lapointe is listed as voy. N. W. Co., Fort Dauphin, 1804; Michel Lapointe, listed in Nipegon, 1804.

Supplice Lapointe, or La Pointe, dit. Desautell, engage H. B. Co. under John Clark, Athabasca, 1815, engage in the N. W. Co. at capture of Fort Williams, August 13, 1816 (Supplice Lapointe is my uncle, lived at my house, and voted for the President in 1884, while then living at my house in the third ward, city of Minneapolis, Minn. He was then 102 years old on June 22, 1884. J. B. Bottineau).

P. 667, Amable Turcotte, steersman N. W. Co., 1819; Mr. Turcot is one with Joseph Lepine, his companion, who shared all but the final tragedy of B. Frobisher; Jean Baptiste Turcotte is listed voy. N. W. Co. at Fort des Prairie, 1804; p. 667, Jean Baptiste Turcotte, or Turcot, was an overland astorian, was left on Snake River, Idaho, December, 1811, with Andre Lachappelle and Francois Landry; was recovered in 1812; died, probably killed with John Reed's party on Snake River in 1813-14; Labissoniere Louis, voy. N. W. Co., Red River, 1804.

Montreuil, Canadian freeman, at Grand Rapid of Saskatchewan River, 1817; Montreuil Joseph, voy. N. W. Co., Chippewa River, 1804; Montreuil P., freeman, Fort des Prairie, 1804; p. 872, Louis Gariepie, voy. N. W. Co., 1804; Baptiste Gardepie (same as Gariepie), an overland astorian, a hunter as Gardepie. The usual form of the name is and has long been Gariepie.

P. 443, Gervais Jean Baptiste; two, if not three, persons of the name appears; one of them witnessed the disturbances on Red River in October, 1816. Two of the identical name (Gervais) are listed separately each as voy. N. W. Co., Upper Red River, 1804; Gobin Jean Baptiste, voy. N. W. Co., Upper Red River, 1804; Gonneville Antoin voy., N. W. Co. Upper Red River, 1804; at the capture of Fort Williams, August 13, 1816.

Gosselin Antoine, voy. N. W. Co., same fort, 1804; p. 193, Enos Francois, dit. Delorme, was a witness in the Sample case at Toronto August 13, 1818; Hoole Jacques, b. in France, soldier in Scotland in 1745, wounded and captured at Culloiden, exchanged, and sent to Canada, * * * was a sergeant of the militia in the Revolutionary war, wounded and lame for life, left the army for life of free trapper, went West, was killed by the Blackfeet in 1814, aged 92, was long known as Pere Hoole; p. 301, Hoole Louis Joseph, on the list, see Pike's ed., 1895, p. 167, as also appears Alexis Vivier, Jean Baptiste Meni, Toussaint Vaudril, Hene Jussomme, Joseph Boisseau, Pierre Gilbert, and others.

P. 873, Pierre Delaunay was with Jean Baptiste Turcotte with Reed's party on Snake River, but went off by himself in a fit of perversity and has never returned or has been heard of since; p. 887, Benjamin Delaunay was with Alexander Carson and others, were overland astorians, whose records were left among the unfinished business of the P. F. Co. annals; p. 873, Joseph Delaunay was one of the Canadian voy. N. W. Co. with others at Fort George, 1814.

P. 875, A. Pepin, a voy. N. W. Co., appears with Louis St. Michel, Antoine Laval (same surname as Vallee, or Valle, or Vallie), N. W. Co., 1804; also Baptiste La Vallee, Pierre Lavallie, Joseph Cotte, Charles Lafond, all voy'rs N. W. Co., 1804; p. 872, Andre Picard, with Hennepin, 1680; p. 875, M. Picard, Joseph Desmarais, Joseph St. Martin, N. W. Co., 1804, and a great number of others who formed the brigade, who left Fort George in ten canoes for the interior (note 33).

A. Pepin and Louis St. Michel, they are seen at junction with Mad River in September, 1811, and found on Snake River in the summer of 1812, but their trail is obscure or lost, until we find him with St. Michel, Alexander Carson, and others of the late P. F. Co., en route back across the continent (probably was the father of Joseph Pepin, who lately died in Bloomington, Hennipen County, Minn., who lived in St. Paul, Minn., in 1840).

Lecompte (probably Antoine Lecompte), N. W. Co., Fort Chippewayan, 1799-1800; Lecompte, Augustin, voy. N. W. Co., Fond du Lac (Winnepeg), 1804; Lacompte, Francois H., voy. N. W. Co., Lake Winnepeg, 1804. (See also p. 607, Le Comble.)

NO. VII.

HENRY'S TERM OF PEMBINA RIVER POST, CONCLUDED 1807-1808.

August 31, 1807: I arrived at Pembina River in thirty days from Fort William, alias Kamanistikwia, leaving an establishment at Rivière aux Morts, and gave up Portage la Prairie to the Upper Red River department. This season we were troubled by an augmentation of freemen from Canada, etc. Their total numbers on this river amounted to 45; more worthless fellows could not be found in the Northwest. On my arrival the Indians, as usual, were camped at the fort. My men were just finish-

ing our hay—3,000 bundles, of about 15 pounds each. Buffalo were very numerous and near at hand.

September 12: Two H. B. Co. boats arrived from Albany Factory; Hugh Henry Heney,¹ master.

September 14: I sent a boat above, William Henry, master, with T. Veaudrie, interpreter, and seven men, to build at Grandes Fourches.

September 15: I quarreled with Tabashaw and turned him out of the fort. * * *

September 19: Indians have been drinking for fifteen days, and are decamping. I employed all my men to build a large stable to contain 50 horses.

October 1: We began our harvest, but the produce was not much compared with other years. Fire all over the country.

October 10: Finished our harvest. Got a bridge made over the creek for the purpose of hauling firewood more conveniently.

October 19: One of the women untied a bag containing two quarts of gunpowder, and, imprudently holding a light over it, a spark fell into and exploded it on her lap; her face, neck, and hands were shockingly burned, but she recovered.

October 31: I left for Grandes Fourches, going by way of the Hair Hills, on some particular business. I set out in my chaise and pair, with four men on horseback. We saw all the different gangs of freemen along the hills. Buffalo in abundance, although the plains were lately burned. At the foot of the mountain, near the upper part of Turtle River, as my men were pursuing a herd on horseback, I could not refrain from joining in the chase, having two famous buffalo hunters to my chaise. I gave them the reins, away they flew, and I soon dashed into the herd, neck or nothing. * * *

November 5: At Grandes Fourches we had a heavy fall of snow, but it did not prevent my returning home, where I arrived on the 12th. That night Red River was frozen over.

On December 29, page 426,² Mr. Henry relates a remarkable and interesting story regarding the unfortunate Orkney girl, betrayed by the man who wintered at Grandes Fourches. Also C. N. Bell has an interesting note concerning this case. *Trans. Hist. and Sci. Soc., Manitoba, No. 37, 1889, p. 18.* * * *

The same afternoon an express arrived from Grandes Fourches, informing us that a large war party of Sioux had fallen upon our principal body of Saulteurs in camp at Grosse Isle, near Folle Avoine River, and killed our great chief Tabashaw, his eldest son, and an old woman.³ The Saulteurs had fought like heroes against superior numbers and obliged them to retreat, by which means the camp was saved. The enemy left one of their men dead on the field, and carried off several others severely wounded. We also heard of another battle, fought by the Saulteurs of Leech and Red lakes against 30 tents of Sioux, near Rivière de L'Aile du Corbeau (Crow Wing River, Minnesota), wherein 20 tents were destroyed. The Saulteurs lost but seven men, and brought away many of the enemy's horses. This party consisted of about 200 men.

¹Page 425: We hear of a person, no doubt the same Hugh Heney, in Tanner's *Narr.*, ed. James, 1830, p. 167: "We had ascended Red River about 100 miles when we met Mr. Hanie, a trader;" and again, p. 182: "Mr. Hanie, a trader for the Hudson's Bay people, had arrived at Pembina." There is much more said about him on following pages. The exact date is not easy to calculate, but it was after our author had left Red River and had been succeeded by Mr. Wells of the N. W. Co., before or about the time of the first Selkirk settlers.

²Page 426: The late Mr. Donald Murray gives a history of this Orkney girl, who was well known by early Selkirk settlers. She was at James Bay two years, then at Brandon House on the Assiniboine for some time, and was afterwards sent to the H. B. Co.'s post at Pembina. He also says it was claimed that the first white woman who arrived in the Red River country was a French Canadian, Madame Lajimoniere, who came to the Northwest from Three Rivers, Quebec, in 1806. She was undoubtedly the first white woman who lived in the Red River country. "I knew both Baptiste Lajimoniere and his wife, but never before heard that it was claimed that she was the first white woman in this country." On the same subject, compare Tanner, p. 200: "The Scots people, to the number of 100 or more, arrived to settle at Red River under the protection of the Hudson's Bay Company, and among these I saw, for the first time in many years, since I had become a man, a white woman." The birth our author records is no doubt that of the first all-white child on Red River.

³Page 427: Tanner, pp. 169-171, gives a circumstantial account of an affair which can be no other than the one Henry thus briefly mentions. Tanner is diffuse about

Friday, January 1, 1808: Buffalo in great abundance.

January 13: I sent four men to Rivière Qu'Appelle for high wine; also two men to make salt at Turtle River.

January 23: Two men arrived from Bas de la Rivière with dispatches from Mr. McKay concerning the Mountain Indian plot.

January 26: Sent off the express for Leech Lake.

January 23: Finished our winter stock of fresh meat, having sufficient to last until July.

February 13: Filled our ice house with ice and fresh meat.

February 24: Bad coughs and colds have attacked every man, woman, and child.

February 26: Men making wheels. * * *

April 2: I sent off the express from Leech Lake, and six men also for their canotées of sugar from that place; women also employed making sugar here.

April 4: Wild fowl in abundance.

April 7: Snow entirely gone. My blacksmith made a plowshare weighing 30 pounds.

April 9: The river broke up.

April 11: River clear of ice. I got a very large wooden canoe made out of liard.

April 19: My hen, having laid 12 eggs, appeared inclined to hatch, so I put them under her. We take sturgeon in abundance in our nets.

April 27: Boats and rafts arrived from Grandes Eures.

May 8: Out of 12 eggs my hen hatched 11 chickens.

May 10: In the course of twenty-four hours we caught in one net 120 sturgeon, weighing 60 to 150 pounds each. Made up pemmican. The Assiniboines, Crees, Sonnants, and Saulteurs, having camped at the fort for some time and emptied some kegs of high wine, must have a parting drop, as they proceeded to decamp soon. * * *

May 12: We began to build a large boat to carry pemmican down to Bas de la Rivière.

May 14: Jean Baptiste, my guide, whom I had sent to Leech Lake for sugar, arrived on foot with one Indian, having found the water so very low that he was obliged to put his cargoes en cache above Rivière à l'Eau Claire (Clear Water River, Minnesota), and could only send down two canoes with a small part of their original lading.

May 16: I sent off six carts, drawn by two horses each, for the 40 kegs of sugar. Began to plow for sowing.

May 17: Began to sow potatoes, corn, pease, oats, etc.

May 19: One canoe arrived from Leech Lake; the other two were entirely worn out and had been abandoned.

May 24: I made a strong oak battery for mounting my cohorn.

May 25: The boat was finished and launched. The men returned with the 40 kegs of sugar and other baggage, equal to nine pieces per cart; several of the kegs weighed 100 pounds.

May 26: My people from Dead River arrived in a boat with their baggage, and made up the remainder of my packs.

May 28: Finished all our work for the season.

May 29: I settled the men's accounts, hired those whose engagements were expired, and gave them a treat of rum, sugar, and tobacco.

June 1: Sent off the brigade,¹ and took an inventory of property on hand. * * *

it, and my calculated chronology fetches his story out of date a little, but I think the identification can be made. Tanner is talking of a party of Ojibbeways on Wild Rice (or Folle Avoine) River, which included Ais-anse (Little Clam), his old wife, and her young son, who called out, "The Sioux are coming!" The old woman "was no more heard of." A Sioux killed "a favorite son of Ais-anse." Furthermore, there was "another considerable man of the Ojibbeways, who was also named Ta bush shish." Tanner finally has it that "these were all that were killed at that time, the old woman, Ta bush shish, and the son of Ais-anse." Such a Henry-Tanner concordance as this can hardly be fortuitous, though Henry kills Tabashaw's son, instead of Little Clam's. I also think that Tanner, p. 171, indicates the other fight of which Henry speaks in the same paragraph. For Tanner says "it was on the same day * * * that the war party from Leech Lake, which Wa ge tone had joined, fell upon 40 Sioux lodges, at the long prairie, * * * fought for two days, and many were killed on each side."

¹Page 430: See beyond, end of this chapter, for the manning and lading of the brigade now sent from Pembina.

Henry's brigade, second roster, loadings at Pembina River June 1, 1808.

Page 441: *A long boat*.—Angus McDonald, Charles Larocque, Pierre Martin, Jean Baptiste Lambert—282 bags of pemmican, 1 bag of potatoes, 42 kegs of grease, 2 kegs of gum, 224 pieces, 2 pairs of cart wheels, 1 leather tent, 1 oilcloth tent, 1 cow, bark and wattap (etoupe).

A boat.—Joseph Lambert, Pierre Vandle, Antoine Lapointe—5 kegs of grease, 2 kegs of gum, 107 pieces, 1 bag of potatoes, 1 pair of cart wheels, 1 leather tent, 1 oilcloth tent, 1 cow.

A Lake Winipic canoe.—Houle, Charbonneau, Fleury, Surprennant—21 bags of pemmican, 1 bag of potatoes, 3 kegs of grease, 24 pieces, 1 buffalo.

A canoe.—Andre Beauchemin, Joseph Bourree—20 packs, W. W. 2, 13 bags of pemmican, 1 bag of potatoes, 3 kegs of grease, 36 pieces, 1 buffalo.

A canoe.—Angus Brisebois, Jean Baptiste Larocque, Jean Baptiste Desmarais—20 packs, W. W. 2, 9 taureaux, 3 kegs of grease, 2 bags of potatoes, 32 packages, and McD's baggage, 2 bales of meat, 1 buffalo.

A canoe.—Louis Desmarais, Joseph Plante, Cyrile Paradis, Michel Dampousse (Dauphinais)—10 packs, W. W. 2, 2 kegs of grease, 2 bags of potatoes, 12 pieces, and my baggage, 2 buffalo, 4 bales of meat.

L. L. canoe.—Charles Bottineau, Jervis (Gervais), Assiniboines—22 kegs of grease, 1 bag of potatoes, 10 bags of potatoes, Bas de la Riviere, 32 pieces, 1 buffalo.

S. canoe.—Antoine Larocque, Bonhomme Montour—10 kegs of grease, 1 bag of potatoes, 1 cow.

Note 5, page 42: Antoine Vandal listed as voyageur in Northwest Company, 1804. Joseph Vandalle, voyageur Northwest Company, 1804. Louis Joseph Hool, of Northwest Company, who went with Thompson to Mandan in 1797-98. Francois Fleury and Louis Fleury both listed in Northwest Company 1804, and Mr. Henry's man is no doubt one of these two. The man Surprennant in Lake Winipic canoe has no other record noted.

Jervis, Jarvis, etc., are frequent corruptions of the above Gervais, and various persons of his surname appear in the annals.

One Gervais, of the Northwest Company, wintered at Pine Fort, on the Assiniboine, in 1793-94. Alexis Gervais is listed as voyageur, Northwest Company, Upper Red River, 1804. Jean Baptiste Gervais is listed as voyageur agent, Northwest Company, Upper Red River, 1804. * * *

Page 43: Bonhomme Montour I have noted elsewhere, but the surname has a long record in the fur trade. Nicolas Montour was a member of the old Northwest Company on the coalition of 1787, was at Finlay's old fort in 1789, and about 1792 retired to Point du Lac, Trois Rivières. Another Nicolas Montour was an engage of the Northwest Company in 1799, for Dauphin Department (Bas de la Riviere). Nicolas Montour, clerk, Northwest Company, was at Fort de Prairie in 1804. He is "Mr." Montour, who reached the Rocky Mountain House with Bercier and a Kootenay Indian, October 31, 1806, and returned February 3, 1807, was placed in charge of a post by Mr. David Thompson in 1811. (Also see note 21, p. 671; note 18, p. 77; note 12, p. 788.)

Coue's, 443: March 5, 1900; also note 2, p. 226.

Charles Bottineau was also listed into the Northwest Company in 1804. (Though he appears to have come into the Red River country at a much earlier date, he was a Pembina at Mr. Peter Grant's trading post on the east side of the Red River, opposite Riviere Pembina, about 1795 or 1796.) The exact date of Grant's house seems to have been lost, but was no doubt early in the nineties. * * * Peter Grant was born in 1764. He entered the Northwest Company as clerk in 1784, and became a partner in 1791; was at Lac Rouge (Red Lake) with one Desmarais in 1789; built a post on Riviere La Coquille in 1794; was met by Thompson near Grand Portage July 20, 1797; was proprietor of the Rainy Lake post in 1799, and afterwards in charge of the Red River Department, in which most of his active life was spent. He signed the Montreal articles of agreement of November 5, 1804, by his attorneys. On retiring he settled at St. Anne, Bout de L'Ile, and died at Lachine in 1848. Peter is to be distinguished from several contemporaneous Grants in the fur trade, and especially from Cuthbert Grant. The latter was sent in 1786 with one Leroux by Peter Pond to Great Slave Lake to establish a post at or near the mouth of Great Slave River at a place hence called Portage des Noyes. He was at Port Chipewyan September 12, 1789, the day that A. McKenzie returned there from the Arctic Ocean. He is named by D. Thompson at Grand Portage, July 22, 1797, as agent of the Northwest Company for "back of Red River." He and Thompson traveled together that year to his post of 1797-98, on the Assiniboine, 21 miles below the Elbow, latitude, 51° 26' 10" N., longitude 101° 47' 3" W., according to Thompson's observations. He arrived at Grand

Portage again July 2, 1798, and died in 1799, before August of that year. David Grant, who was in the Northwest Company in 1789, or earlier, is called in 1796 an experienced old trader, at that time in opposition to the Northwest Company.

Speaking of the Pembina post and of his derouines and other trading trips, and of the names of the individuals connected with or employed by the Northwest Company, Mr. Henry says of Bottineau: "Antoine Payet, guide and second in command, leads the van with a cart drawn by two horses and loaded with his private baggage, cassettes,¹ bags, mashquemoutes, and kettles. Madame Payet follows the cart with a child on her back, very merry. Charles Bottineau,² with two horses and a cart loaded with one and one-half packs, his baggage, and two young children, with kettles and other trash hanging onto it. Madame Bottineau, with a squalling infant on her back, scolding and tossing it about. Joseph Dubord goes on foot, carrying his tobacco pouch with a broad bead tail. Antoine Thellier,³ with a cart and two horses, loaded with one and one-half packs of goods and Dubois's baggage. Antoine La Pointe,⁴ with another cart and horses, loaded with two pieces of goods and with baggage belonging to Brisebois, Jasmin, and Pouliot, and a kettle hung on each side. Auguste Brisebois⁵ follows with only his gun on his shoulder and a fresh-lighted pipe in his mouth. Michel Jasmin⁶ goes next, like Brisebois, with gun and pipe puffing out clouds of smoke. Nicolas Pouliot, the greatest smoker in the Northwest, has nothing but pipe and pouch. Those three fellows, having taken a farewell dram and lighted fresh pipes, go on brisk and merry, playing numerous pranks.

June 2, 1808 (p. 420): At Pembina trading post Mr. Henry embarked in his canoe and overtook his brigade at the Forks. * * *

June 24: Mr. McDonnell embarked for Fort William with the brigade and Mr. Henry returned to summer at Pembina River post.

On the 25th arrived at Pembina. Swarms of grasshoppers (the Rocky Mountain locust, *Caloptenus spretus*) had destroyed a great part of his garden—onions, cabbage, melons, cucumbers, carrots, parsnips, and beets. They had also attacked his potatoes and corn, but these were strong enough to sprout again. * * * Found no Indians tented at the post. My hen began to lay again, all her chicks being now well grown. Men hoeing potatoes and corn.

June 27: Indians from Leech Lake with tobacco, concerning a grand war party to assemble next September at L'Eau Claire, where they propose to form a main body of the Saulteur tribes, being fully determined to seek the Sioux, even upon their own lands, and take revenge for the affair of last autumn, when Tabashaw and his son were killed.

July 7: I went hunting on horseback with Mr. Langlois. Slept at the Hair Hill post. * * *

July 9: Returned to Pembina post. My hen having laid twelve eggs, and appearing inclined to set, I put them under her.

July 11: My men began to make 3,000 bundles of hay. The freemen are daily coming in with dried provisions, jerked meat (beat), and grease.

July 12: Indians arrived and camped. All drinking and trading for dried provisions and skins.

July 20: More Indians still, bringing a tolerably good hunt in provisions and skins. * * * I had sent four carts to bring the baggage of this band from the

¹Cassetete is good French for tomahawk, literally something to break a head with, and may be intended here; copy so reads plainly. But F. cassette (casket) was the usual word with the voyageurs for any sort of a box in which they carried small articles, as distinguished from the large packs, sacks, bales, or other "pieces" of which most of their loads consisted. (For Payet or Paget, see note 5, p. 204.)

²Name appearing in MS. and print as Battineau, Battimeau, and Bottureau. Charles is listed as voyageur Northwest Company, Lower Red River, 1804, and we shall find him with Henry to 1808.

³Plainly so in copy; no other record noted.

⁴Antoine Lapointe, voyageur Northwest Company, remains with Henry to 1808; he had been about fifteen years in this country in October, 1818, when he was in Toronto as a witness in the Semple case. Joseph Lapointe is listed voyageur Northwest Company, Fort Dauphin, 1804. Michel Lapointe, listed Nepigon, 1804.

⁵Auguste Brisebois appears in print as Angus, evidently by mistaking the abbreviation "Aug." for "Ang." He remains with Henry to 1808. Joseph Brisebois was guide Northwest Company, Upper Red River, 1804. Michel Brisebois, one of the oldest inhabitants of Prairie du Chien, was made a judge by Lewis Cass, May 12, 1819; died, 1839.

⁶Michel Jasmin, sometimes Jesmin, voyageur Northwest Company; no record beyond 1804.

other side of Red River. This was the first essay ever made with carts in that direction. There was a thick wood to pass on leaving the river for about 3 miles before coming to the plains, and it had been always supposed impracticable, but I found it otherwise, and the carts arrived at the water's edge with heavy loads. * * *

July 22: This evening the drinking match ceased, and they all fell asleep in their tents, pitched in a range on the first bank between the river and the fort. They were 22 men bearing arms, about 50 women, and many children. In the fort we were 9 men in all. The night was dark and still. About midnight a discharge of firearms on the south side of Pembina River was suddenly heard, accompanied by tremendous whooping and yelling in the same quarter. The Indians were first alarmed by some balls passing through their tents. They started up and called out to two families who were camped on the east side of the river, asking if they had fired. They answered, "No." At that moment another discharge from the south side of the little river convinced the Indians of whom they had to deal with. Not one gun was in their tents, for I had taken every one from them before the drinking match to prevent mischief. They rushed up the hill to the fort, the gates being shut, they climbed over the stockades, and in a moment entered the house informing us of the danger. They caught up their guns and ran to the gates, which were by this time opened and thronged by the women and children pushing in with their baggage. They exchanged two or three shots with the enemy when the firing ceased on both sides. At this moment I got up, and having slipped on my trousers, ran out to where the Indians were assembled near the burying ground. We could distinctly hear the Sioux haranguing their own people. The Indians wished to fire again in the direction whence we heard the voices, but I prevented them, got all hands into the fort, shut the gates, and placed sentinels in the blockhouses. To see was impossible, the night was so dark. I gave out ammunition and guns to those who had none, and placed my cohort upon the battery, loaded with 1 pound of powder and 30 balls. Taking aim as nearly as possible at the spot whence we still heard the enemy haranguing, and having a man ready with a match, I ordered him to fire. The balls clattered among the large trees across the little river, and the noise of the discharge must have appeared awful to people who had never heard anything of the kind before. My Saulteurs hoped to find a good round number of the enemy dead, as they said they heard the Sioux lamenting their fallen relations. Everything was quiet for some time, till we again heard the enemy haranguing, but they had withdrawn to a greater distance. I once more loaded my cohort and, pointing it as nearly as possible to the spot where we heard them, fired a second shot. This caused them apparently to withdraw still farther, as we heard no more of them during the night. Sentinels were stationed at every part of the fort, whilst others accompanied the women to fetch as much water as we had vessels to contain, for we expected certainly to be attacked at daybreak.

July 24: At the first dawn all eagerly looked for the enemy, anxious to have the first shot; and had the enemy attacked the fort in daylight, they would have been roughly handled; the Saulteurs appeared full of animation, and would have fought like heroes. Just before sunrise we observed a party of horsemen to the southward, riding backward and forward in the plains. They were prudent enough to keep out of reach of my gun, and dare not come within a mile of the fort. * * * My Indians now crossed Pembina River to examine the spot whence they had been fired on. They found a saddle complete, a whip, and several pairs of shoes moccasins, all of which appear to have been thrown away in a sudden retreat. On the handle of the whip was a stain of fresh blood, but we could find no further evidences that anyone had been hurt. About 9 o'clock we perceived a large body of horsemen coming on the road; on examining them with my glass, I saw a cart among them and soon recognized them as a party of freemen coming with loads of skins. On arrival they were astonished to learn of their narrow escape from the Sioux, who would have shown them no mercy. * * * But on this occasion the freemen had taken an unusual road on leaving their tents and come by an upper road along the foot of the Hair Hills and Tongue River. To the willows on the ridge, which intercepted the view of the enemy, they owe their safety. * * *

July 25: Before daylight I set off with five Indians on horseback to make discoveries on the Sioux tracks. We found the spot where they had adjusted themselves in the night to attack us. This was about $1\frac{1}{2}$ miles from the fort, in full view of the blockhouse and stockades. They had purposely struck out of their direct route to place themselves in view of their intended place of attack. Here we found upward of 100 pairs of old shoes (moccasins), some scalps, remnants of leather and buffalo skins, saddlecloths made of buffalo robes, whips, pieces of old saddles, rolls of bark containing war caps, bark and willow dishes; also paunches and bladders of water for a journey. Upward of 100 willows, about 6 feet long, with a fork about

the middle, were stripped of their bark and stuck in the ground. This, I am told, is for the purpose of hanging up their war caps before attacking an enemy. * * * Such a place is called by the Indians "the spot of the last sacrifice," as it is here that they adjust themselves for the battle, and generally make a sacrifice of different articles they have brought with them for that purpose to insure the protection of the Supreme Being, or, as they term him, the Master of Life.

Having collected several articles, we proceeded on the road of the war party, who, in coming down, had kept close to the woods, following every bend and turn of the river, and frequently going down to the water's side.

Their trail was like a beaten buffalo track in the long grass, and we supposed the party had consisted of one hundred men. From the different construction of their shoes (mocassins), we concluded they were Sioux of the Yankton and Gens des Feuilles bands. * * * A short consultation was held, and I advised by all means a retreat. * * * While we were still consulting one of the Indians said that he had seen horsemen passing through the wood, as if to cut off our retreat. No time was to be lost; we returned. Then suddenly appeared in the plains to the west and northwest of us a large party of horsemen, coming directly on. This caused a halt, and we were surrounded and began to suspect that the enemy had planned to cut us off. * * * We soon saw they had hats on, and thus knew them to be white men. We rode up to them and were agreeably surprised to find them to be the two freemen who we supposed were murdered. They had no provisions and were on their way to the point of two rivers, where they intended to live on fish, and the party that was at a distance were their families.

Having come within 2 miles of the fort, Little Shell dispatched two of his younger brothers ahead to return and meet us with his pipe and stem of ceremony and to relate no news whatever nor answer any questions. Having given them sufficient time, we sent Little Shell ahead, requesting him to relate no news until after the ceremony of smoking. We soon perceived all the Indians coming from the fort at full speed, with nothing on but their breechclouts, shoes, and weapons. Little Shell, who acted as commander in chief, galloped on, myself next to him. We passed the Indians without saying a word, and on to the river side, where we found everybody alarmed. No one knew what was the matter, but the mysterious proceedings of our two messengers had caused them to suppose the enemy was at our heels. We crossed Pembina River and dismounted. The pipe was lighted and passed around. Little Shell then related our adventure, paying me the compliment that my keen eyesight had saved them from the enemy.

This was about 2 p. m. During the remainder of the day the Indians were forming a plan to pursue the Sioux by night. About dark we perceived a party of men, women, and children coming down to the east side of Red River. They proved to be a band of freemen, almost naked, who left their old camp at the foot of the Hair Hills yesterday, and had come across the plains. About 11 o'clock this morning they arrived at the point of Two Rivers, where they fell upon a broad road and found several articles which they knew to be Sioux property. This gave them a great alarm, and while they were still looking about picking up what they could find they saw us coming. They instantly ran along the woods, down the bank, and thence along the shore, where they made a raft and crossed over, leaving their horses and carts standing on the edge of the plain. Those were the horses which we had seen, one of which was white. Thus all the day's adventures proved to be mutual false alarms.

This evening another freeman arrived from the salt lake on Park River, bringing two cartloads of grease. This man fell upon the war road at the Grand Point, south of the Bois Perce, but never suspected it to be an enemy's track; supposing it had been made by a war party of Saulteurs, he went down to the river to water his horse. There he found the Sioux camp, which they had not left more than three hours before. Still suspecting no enemy, he came on to Two Rivers about dusk, and perceived the freemen's carts and horses upon the bank; he supposed the men had gone down to the river to drink, and thought it a favorable opportunity to pass them, so he slipped by quietly and remained ignorant of the danger he had escaped until we informed him.

It is really astonishing what a narrow escape these freemen had from this war party. Furthermore, their track in coming and going along Red River passed within 9 miles of a camp of freemen on Park River, where there were but three men, with upward of twenty women and children, and 100 excellent horses belonging to themselves and to those of my people who had gone to Fort William. This would have been a noble prize to them, well worth the trouble of coming for.

July 26: The freemen went for their carts to Two Rivers. I sent T. Vaudrie and another man to Bas de la Rivière with letters.

July 28: My hen hatched only seven chicks out of the twelve eggs. I now have a flock of eighteen, large and small.

July 29: The freemen and Indians decamped for the mountain (Pembina Mountains, Hair Hills) to hunt red deer and moose in the Bois Fortes (heavy timber). This afternoon thirteen men arrived, five days from Red Lake, with skins and furs to trade for tobacco and ammunition.

July 31: Indians arrived from below with skins. * * *

August 1: Indians left and others arrived. Made up 30 bags of pemmican. Men hunting toward Park River.

August 2: Men all off with the Indians for their skins. * * * Once more clear of Indians and freemen, who are all gone toward the mountain (Pembina Mountains, Hair Hills), in the Bois Fortes (heavy timber). My people returned from the Indian tents.

August 3: Three Indians arrived, ten days from Lac la Pluie, via Roseau Lake. They had been obliged to abandon their canoes soon after crossing Roseau Lake, and thence had come on foot. They brought me a packet from the mountain, Fort William, and Montreal. The principal news was the death of our worthy friend, Duncan McGillivray, esq.,¹ which occurred last spring in Montreal. Also a statement of the arrangement of the department council at Fort William, wherein I was appointed to Lower Fort des Prairies (meaning Fort Vermilion).

NO. VIII.

EXTRACT FROM TANNER'S JOURNAL.

War excursion to Turtle Mountain—Medicine Hunting—Customs—Death of Pe shau ba—Disaster at Spirit Lake—Death of Little Clam (Shell).

Page 144: Having spent the winter at the mouth of the Assineboin, I went to make sugar at the Great Wood River, but here it was told me that the Assineboins were still boasting of having taken my horse from me, and I, with some persuasion, prevailed upon Wa me gon a biew to accompany me in an attempt to recover him. At the end of four days' journey we came to the first Assineboin village, 10 miles from

¹Page 439, note 13: McGillivray or Macgillivray is a famous name in these annals, one of the foremost of the many "Macs" which attest the sturdy Scotch stock of the Northwest Company. The name also appears, as a rule, in due form, and the several persons who bore it are identifiable with less difficulty than usual. Duncan McGillivray, above said, was a clerk of the Northwest Company in 1797 or earlier; sent that year to upper Fort Augustus, on the North Saskatchewan. He was brought into Grand Portage on a litter, with his leg badly hurt, June 26, 1798. We find him at St. Josephs Island May 29, 1800, from Mackinac, en route west; he went to the Rocky Mountain house on the North Saskatchewan, made an exploration thence to the north branch of that river and return in 1800, and accompanied David Thompson on his Bow River tour November 17 to December 3, 1800. He left the Northwest Company in 1802, became a partner of McTavish, Frobisher & Co., and was one of the signers of the Montreal agreement of November 5, 1804. Archibald McGillivray left the Rainy River house of the Northwest Company with Harmon and others July 26, 1808. John McGillivray was a clerk of the Northwest Company in the Muskrat River country in 1797; was on Rainy River in July of that year, and reached Grand Portage with Thompson July 22. When met by Thompson on Rainy River July 16, 1798, he had 13 packs, 3 of which had been seized from Mr. William Linklater on account of matters connected with the desertion of François Loyola. In 1799 he was engaged on the Lower English River. He wintered at the Northwest Company house on the east end of Lesser Slave Island 1803-4 and signed the Montreal agreement of November 5, 1804, by his attorneys. He wintered 1808-9 at Fort Dunvegan, on Peace River, which he left May 11, 1809, for Fort William, and wintered again at Fort Dunvegan 1812-13. * * * William McGillivray was in charge of the Northwest Company house at Lac des Serpents, English River department, against Roderic McKenzie in 1786-87. In 1790 he had become a partner, and is named as one of the agents by Thompson at Grand Portage July 22, 1797. * * * He had wintered at least one year before 1804 at Reed Island, Mississippi waters. As already stated (p. 220), he is the person for whom Fort William was named in 1807.

the Mouse River trading house. This village consisted of about thirty leather lodges. We were discovered before we came to the village, as the Assineboins, being a revolted band of the Sioux, and in alliance with the Ojibbeways, are in constant apprehension of attacks from the former, and therefore always station some persons to watch for the approach of strangers. * * *

One of the men who came out to meet us was Ma me no kwaw sink, with whom Pe shau ba had quarreled some time before on my account. When he came up to us he asked us whither he was going. I told him, "I am come for our horses, which the Assineboins stole." "You had better," said he, "return as you came, for if you go to the village they will take your life." To these threats I paid no attention, but inquired for Ba gis kun nung, the men of whose family had taken our horses. * * * Wa me gon a biew being discouraged, and perhaps intimidated by the reception we met in this village, endeavored to persuade me from going farther, and when he found he could not prevail, he left me to pursue my horse by myself, and returned home. I would not be discouraged, but determined to visit every village and camp of the Assineboins, rather than return without my horse. I went to the Mouse River trading house, and having explained the object of my journey, they gave me 2 pounds of powder and 30 balls, with some knives and small articles and directions to enable me to find the next village. * * *

Page 146: The people of this lodge treated me with much kindness. Notwithstanding the great scarcity of corn in the country, they had a little reserved, which they cooked and gave me. The young man told them how much he had been frightened by me in the prairie, at which they all laughed heartily. This village consisted of 25 lodges; but although I inquired of many of them, none knew where Ba gis kun nung was to be found. There was another village at the distance of about one day's journey; he might be there. I remained a little while at the lodge of the young man I had found in the prairie, and then went out to start for the next village. * * *

When I arrived at this village no one took the slightest notice of me or even seemed to see me. They were a band with which I had previously had no acquaintance, and I could perceive that they had been prejudiced against me. Their chief, whom we used to call Kah oge maw weet Assineboin (the chief Assineboin), was a distinguished hunter, but he was soon afterwards killed. He had been unusually long absent from home, and by following his track they found he had been attacked by a grizzly bear in the prairie and killed.

Finding the people of this band decidedly unfriendly, I went into none of their lodges, but stood about, watching their horses, to see if I could discover mine among them. I had heard much of the fleetness and beauty of a young horse belonging to the chief, and I soon recognized this animal, known to me only by description. I had a halter under my blanket, and watching a favorable opportunity, I slipped it on the head of this horse, mounted him, and flew rather than fled. I was excited to this action principally by a feeling of irritation at the unfriendly conduct of the people of the village, as it had not been my intention to take any horse but the one which belonged to me. * * *

Page 148: I traveled toward home, rejoicing in my escape, and without stopping for the night, either on that or the succeeding one, and the third night arrived at the Mouse River trading house. The traders told me I was a fool that I had not brought the chief's horse; they had heard much of his qualities, and would, as they said, have paid me a high price for him. * * *

Page 151: In this affair I found Wa me gon a biew more cowardly than it was usual even for him to be; but it happened that the chiefs and the considerate men of the band to whom Ba gis kun nung belonged were glad I had come to take a horse. Ba gis kun nung and his sons were considered troublesome and bad men; hence it was that I was able to carry through this enterprise without any assistance from Wa me gon a biew. * * *

Page 152: In six days I could go from my place to Turtle Mountain, where the Crees were assembling in considerable numbers. I had been waiting about one month, when Wa ge tote arrived with 60 men on his way to the rendezvous. Here 8 of us joined him and gave what assistance we could in provisions to his party, who had been starving for some time. Soon we were all suffering alike; we had traveled on two or three days, when 20 young men were selected to go and hunt buffalo. Wa ge tote insisted that I must go with them, but I declined. He urged it upon me repeatedly, and, at last, taking my load on his shoulders, he said, "Now, my nephew, you must go, and I will carry your load for you till you join us again." I went forward a short distance and had the good fortune to kill an elk. The Indians fell on it like hungry dogs, and soon not a particle of it was left, though I believe not more than half of those who were in a starving condition tasted of it. * * * For many

days we had no other food than the roots of the *Me tush koo she min* (one of the species of *Psoralea*, grass berry), an esculent root, called *pomme blanche* by the Frenchmen. I was myself about to fail, when late one night, as all were asleep, an old man, a relative of my wife, waked me, and put carefully into my hand a small quantity of pemmican, which he had carried concealed about him. This enabled me to reach the Turtle Mountain, to which place probably about half of *Wa ge tote's* band arrived at the same time. Of those that had parted from us some afterwards joined, some returned to their own country, and others were no more heard of.

The Assiniboin and Crees, whom we had expected to meet at Turtle Mountain, had left it some time before, and we had followed on their trail but a few days when we met them returning. They related to us that they had arrived at the Mandan village just as a war party of Sioux had reached the same place with a design to attack the town. The Mandan chief said to them as soon as they came: "My friends, these Sioux have come hither to put out my fire. They know not that you are here. As they have not come against you, why should your blood flow in our quarrel? Remain, therefore, in my village and you shall see that we are men, and need no help when they come to fight us at our own doors." The Mandan village was surrounded by a wall of pickets, and close to these the Sioux fought all day. At length an intermission took place, and the Mandan chief, calling to the Sioux from the inside, said to them: "Depart from about our village, or we will let out upon you our friends, the Ojibbeways, who have been sitting here all day and are now fresh and unwearied." The Sioux answered: "This is a vain boast, made with a design to conceal your weakness. You have no Ojibbeways in your house, and if you had hundreds we neither fear nor regard them. The Ojibbeways are women, and if your village were full of them we would, for that reason, the sooner come among you." The Crees and Assiniboin hearing these taunts, became irritated, and ran out to attack the Sioux, which, the latter perceiving, fled in all directions. The Ojibbeways, though they had little share in the fight, were allowed to have some of the scalps taken during the day, and one of these fell into the hands of our chief, *Wa ge tote*, though he had not been within several days' march of the scene of action; and with this trophy he returned to his own country. When we reached Turtle Mountain on our return we were all suffering the extremity of hunger, and many were unable to travel farther. We were therefore compelled to stop, and of the whole party there were found only four who had strength and resolution enough remaining to undertake to hunt. These were an old man called *Gitch e weesh* (Big Beaver Lodge), two young men, and myself. *Gitch e weesh*, the old man, was in high spirits, and expressed the utmost confidence that he should kill something. * * *

Page 154: Near this place *Wa me gon a biew* discovered a large quantity of property which had been left by a band of Assiniboin as a medicine sacrifice. Property left in this way is called *metai sas sah witch e gun*, or *puk ketch e gun nun*, and may be taken by any friendly party. But the offerings made to insure success in war, commonly called *sas sah ge witch e gun*, may not be taken from the place where they are left. *Wa me gon a biew* having been in the top of a tree at the time he made this discovery, and having pointed out the place to the Indians immediately, was so late in coming down that every blanket, every piece of cloth, and, indeed, everything of value was seized and appropriated before he came up. He said little of his dissatisfaction at this, though it was evident enough. He went aside and sat down by himself on a log. Disturbed with his foot a pile of dry leaves, he found buried under it a brass kettle, inverted, and covering a quantity of valuable offerings to the earth. These, of course, he seized upon for himself, and his portion was more valuable than that of any other. The blankets, robes, shrouding, etc., were suspended in trees, but the quantity was larger than is usually seen in places where such sacrifices have been made. The Assiniboin had worshiped here when on their way to the country of the Sioux. In traveling from this place to my home I killed no more game, and was, of course, nearly famished. When I arrived my family were in the same situation, but next day I had good luck and killed an elk; afterwards I was able, by my own exertions, to procure a plentiful supply. * * *

Page 158: After the excitement of this affair had somewhat subsided, and the messengers had left us to visit remoter bands, I went with a large party of Indians to some of the upper branches of Red River to hunt beaver. I know not whether it was that we were emboldened by the promise of the prophet, that we should be invisible to the Sioux, but we went much nearer than we had formerly ventured to their country. It was here, in a border region, where both they and ourselves had been afraid to hunt, that we now found beaver in the greatest abundance; here, without the aid of my gun, I took 100 large beavers in a single month by trapping merely. My family was now 10 in number, 6 of whom were orphan children, and although there was no one but myself to hunt or trap, I was able for some time to

supply all their wants. * * * Soon after this I found many tracks, and ascertained that I was not far distant from a place where the Ojibbeways had built and fortified a camp. Three times I received messages from the chiefs of the band living in this camp, stating that my situation was too exposed and dangerous, and urging me to come in. I disliked to live in a crowded place, and it was not until I discovered the tracks of some Sioux, that had been reconnoitering my camp, that I determined to fly into this work. The night before my departure was one at my lodge of terror and alarm, greater even than is commonly felt among the Indians. I had mentioned the tracks that I had seen, and I did not doubt that a part of the Sioux were in my immediate neighborhood and would fall upon me before morning.

* * * Early next morning I fled to the fortified camp. On my arrival the chiefs counceled, and sent two young men to look after the property left in my lodge; but as I knew the Sioux were lurking in that direction, and that should the young men be killed or injured their friends would consider me the cause of their misfortune, I went before them, but by a circuitous route, determining that if anything happened I would be present and have a part in it. I found my lodge safe, and we experienced no molestation in removing my baggage to the fort.

Page 160: The Sioux, from time to time, came near and looked at our work, but never ventured to attack it. When the spring arrived all the Ojibbeways left it in one day, but I was compelled to remain, having taken charge of some packs for a trader who was then absent and which I could not remove. The chiefs remonstrated, telling me it was little better than throwing myself away to remain, as the Sioux would immediately know when the main body left, and would not lose the opportunity of falling on me when I should be left alone. The saddening and alarming effect of these admonitions was somewhat increased by the many instances they related of men, women, and children that had been killed on this very spot by the Sioux; but I was compelled to remain. At night I closed the entrances to the camp as effectually as I could, and, cautioning my family to remain entirely silent, I stationed myself by the wall to watch. The night was but little advanced when, by the light of the moon, which then shone brightly, I discovered two men, who came directly toward the usual entrance, and, finding it closed, began to walk around and look at the wall. Fear strongly prompted me to shoot them without hailing, but recollecting that they might not be Sioux I took an opportunity when I could aim my gun directly at them without being much exposed and called out. They proved to be the trader on whose account I had stayed back and a Frenchman. I gladly opened my fort to let them in, and with this addition of strength, spent a pretty quiet night. Next morning we moved, taking the trader's packs and following the path of the Ojibbeways.

I did not wish to rejoin this band, but went to live for some time, by myself, in the woods; afterwards I joined some Red River Ojibbeways, under a chief called Be gwa is (he that cuts up the beaver lodge). * * *

We now started, twelve men in number, under Be gwa is, to go to the Sioux country to hunt beaver, leaving our women behind. On this hunt all the Indians became snow blind, and I, being the only one to hunt, fed and took care of them for several days. As soon as the snow went off in the spring they began to get better. We then separated into three parties, one of which, being four in number, went to Buffalo River, where they were attacked by the Sioux, had one man killed and another wounded and made prisoner. * * *

Page 162: On our way we met the two who had escaped of the party on which the Sioux had fallen. Their appearance was that of extreme misery and starvation.

We met also in this journey an American trader, whose name I do not now recollect, but who treated me with much attention and urged me to leave the Indians and return with him to the States. But I was poor, having few peltries of any value. I had also a wife and one child. He told me the Government and the people of the United States would be generous to me, and he himself promised to render me all the aid in his power. But I declined accepting his offer, preferring for the present to remain among the Indians, though it was still my wish and intention ultimately to leave them. * * *

As we were traveling toward Red River our principal man, Wyong je cheween, to whom we had committed the direction of our party, became alarmed. We were following a long river which discharges into Red River. I saw him anxiously looking about, on one side and the other, and attentively watching for all those indications of the proximity of men which could be afforded by the tracks of animals, the flight of birds, and other marks, which they so well know how to understand. He said nothing of fear; an Indian in such circumstances rarely, if ever, does. But when he saw me, at night, trying to kindle a fire for our encampment, he rose up, wrapped his blanket about him, and without saying a word walked away. I watched

him until I saw him select a place combining the requisites for the entire concealment of his person, and affording him the power of overlooking a considerable extent of country. Knowing the motive which had occasioned this, I followed his example, as did the remaining men of our party. Next morning we met, and ventured to kindle a fire to prepare a little breakfast. Our kettle was but just hung over the fire and filled when we discovered the Sioux on a point not half a mile behind us. We dashed the contents of the kettle on the fire and fled. At some distance below we built a strong camp and I set my traps.

Among the presents I had received from the American trader was a small keg containing 16 quarts of strong rum, which I had brought thus far on my back. Wa me gon a biew and the other Indians had often begged me for a taste of it, which I had constantly refused, telling them the old men, and the chiefs, and all, should taste it together when we reached home. * * *

Page 164: After we had completed our hunt we started down together. Approaching Red River, we heard great numbers of guns before us, and my companions, supposing them to be those of the Sioux, left me and fled across land, in which way they could reach home in less than a day. As I was determined not to abandon our property in the canoe, I continued on by myself, and in about four days arrived safely at home.

The Indians were now about assembling at Pembina to dispose of their peltries and have their usual drunken frolic. I had but just arrived at the encampment of our band when they began to start, some going forward by land and leaving the women to bring on their loads in the canoes. I tried to persuade Wa me gon a biew and others, who were particularly my friends, not to join in this foolish and destructive indulgence, but I could not prevail upon them; they all went on in advance of me. I moved slowly along, hunting and making dry meat, and did not reach Pembina until most of the men of the band had passed several days there in drinking. As soon as I arrived some Indians came to tell me that Wa me gon a biew had lost his nose, another had a large piece bitten out of his cheek; one was injured in one way, another in another. * * *

Page 167: In the ensuing spring there was a very general movement among the Ojibbeways of the Red River toward the Sioux country, but the design was not, at least avowedly, to fall upon or molest the Sioux, but to hunt. I traveled in company with a large band under the direction of Ais aine (the little clam). His brother, called Wa ge tone, was a man of considerable consequence. We had ascended Red River about 100 miles when we met Mr. Hanie, a trader, who gave us a little rum. I lived at this time in a long lodge, having two or three fires, and I occupied it in common with several other men, with their families, mostly the relatives of my wife. It was midnight or after and I was sleeping in my lodge, when I was awakened by some man seizing me roughly by the hand and raising me up. There was still a little fire burning in the lodge and by the light it gave I recognized in the angry and threatening countenance which hung over me the face of Wa ge tone, the brother of Little Clam, our principal chief. "I have solemnly promised," said he, "that if you should come with us to this country you should not live; up, therefore, and be ready to answer me." * * * This dispute was becoming somewhat noisy when old Ma nuge came up, with a knife in his hand, and drove the noisy and half-drunken Wa ge tone out of the lodge. We saw this man no more for a long time, but his brother, the Little Clam, told us to think nothing of what he said.

Page 168: Here a messenger overtook us to bring to the Ottawas the information that Muk kud da be na sa (the black bird), an Ottawa of Waw gun uk ke zie, or L'Arbre Croche, had arrived from Lake Huron to call us home to that country. So we turned back, and one after another fell back till Wa ge tone only was left, and he went on and joined a war party of Ojibbeways then starting from Leech Lake. A part of this band stopped at the Wild Rice River¹ and went into the fort or fortified camp before mentioned. Here they began to hunt and trap, and were heedlessly dispersed about, when a large party of Sioux came into their neighborhood.

Ais aine, the Ojibbeway chief, returned one evening from a successful hunt, having killed two elks, and on the following morning his wife, with her young son, started out to dry the meat. They had proceeded a great distance from the lodge when the lad first discovered the Sioux party, at no great distance, and called out to his mother, "The Sioux are coming." The old woman drew her knife, and, cutting the belt which bound the boy's blanket to his body, told him to run for home with all his strength. She then, with her knife in her hand, ran to meet the approaching war party. The boy heard many guns, and the old woman was no more heard of. The boy ran long, when, perceiving his pursuers were near, he lost consciousness,

¹The river of the wild rice straw.

and when he arrived at the fortified camp, still in a state of mental alienation, the Sioux were about 150 yards behind him. He vomited blood for some days, and never recovered his health and strength, though he lived for about one year afterwards.

Several of the Ojibbeways were hunting in a different direction from that in which the wife of the Little Clam had met the war party. As soon as the Sioux disappeared from about the fort young men were sent out, who discovered that they had taken the path of the hunters, and one or two, taking a circuitous direction, reached the Little Clam just as the Sioux were creeping up to fire upon him. A fight ensued, which lasted a long time without loss on either side. At length, one of the Ojibbeways being wounded in the leg, his companions retired a little in order to give him an opportunity of escaping under cover of some bushes, but this movement did not escape the notice of the Sioux. One of their number followed the young man, continuing to elude the notice of the Ojibbeways while he did so, killed him, and took his scalp and medal, he being a favorite son of Ais ainse, the Ojibbeway chief; then returning, he shook these trophies at the Ojibbeways, with some exulting and vaunting words. The enraged father, at sight of the scalp and medal, rushed from his cover, shot down one of the Sioux, cut off his head, and shook it exultingly at the survivors. The other Ojibbeways, being emboldened at this conduct of Little Clam, rushed forward together, and the Sioux fled.

Page 170: Another considerable man of the Ojibbeways, who was also named Ta bush shish, had been hunting in a different direction, accompanied by one man, and had heard the firing, either where the old woman had been killed or where Ais ainse was fighting, and had returned home. * * * He was in the fort when some one arrived who had skulked and fled with the news of the fight the Little Clam was engaged in. Ta bush shish had two fine horses, and he said to one of his friends, "Be na, I believe you are a man; will you take one of my horses and go with me to see what Ais ainse has been doing all day? Shall we not be ashamed to let him fight so long within hearing and never attempt to give him assistance? Here are more than one hundred of us, who have stood trembling within this camp while our brother has been fighting like a man, with only four or five young men to assist him." They started, and following a trail of the Sioux, it brought them to a place where a party had kindled a fire, and were, for a moment, resting themselves around it. They crept up near, but not thinking this a favorable opportunity to fire, Ta bush shish and Be na went forward on the route they knew the party would pursue and laid themselves down in the snow. It was now night, but not very dark. When the Sioux began to move and a number of them came near the place where they had concealed themselves, Ta bush shish and Be na rose up together and fired upon them, and the latter, as he had been instructed to do, instantly fled. When at a considerable distance, and finding he was not pursued, he stopped to listen, and for a great part of the night heard now and then a gun, and sometimes the shrill and solitary sah sah kwi of Ta bush shish shifting from place to place; at last many guns discharged at the same moment; then the shouts and whoops of the Sioux at the fall of their enemy; then all was silent, and he returned home. These were all that were killed at that time—the old woman, Ta bush shish, and the son of Ais ainse.

It was on the same day, as we afterwards heard, that the war party from Leech Lake, which Wa ge tone had joined, fell upon 40 Sioux lodges at the Long Prairie. They had fought for two days and many were killed on each side. Wa ge tone was the first man to strike a Sioux lodge. Wah ka zhe, the brother of Muk kud da be na sa, met those Ottawaws who returned from the Wild Rice River, at Lake Winnipeg. * * *

Page 181. Mr. Henry had traded ten years at Pembinah; he was succeeded by a Mr. McKenzie, who remained but a short time, and after him came Mr. Wells, called by the Indians Gah se moan (a sail), from the roundness and fullness of his person. He built a strong fort on Red River, near the mouth of the Assiniboin. The Hudson Bay Company had now no post in that part of the country, and the Indians were soon made conscious of the advantage which had formerly resulted to them from the competition between rival trading companies. * * *

Page 182. I continued my hunting with good success, but the winter had not half passed when I heard that Mr. Hanie, a trader for the Hudson Bay people, had arrived at Pembinah. I went immediately to him, and he gave me all the credit I asked, which was to the amount of 70 skins. Then I went to Muskrat River, where I hunted the remainder of the winter, killing great numbers of martens, beavers, others, etc. * * *

Page 186. After the death of Mr. Wells I returned to the Northwest Company and traded with them as before but never while he lived. * * *

Esh ke buk ke koo sa, a chief of Leech Lake, came after this to Pembinah, with

about 40 young men, and I went, by invitation, from the Be gwi o nus ko, with others, to hear him give some account of the recent revelation from the Great Spirit to Manito o geezhik. We were all assembled one night in a long lodge, erected for the purpose, to dance and feast and listen to the discourse of the chief, when suddenly we heard two guns in quick succession in the direction of the Northwest Company's trading house, now unoccupied except by two Frenchmen who had that day arrived. The old men looked at each other in doubt and dismay. Some said, "The Frenchmen are killing wolves;" but Esh ke buk ke koo sa said, "I know the sound of the guns of the Sioux." The night was very dark, but all the young men took their arms and started immediately, and I among the foremost. Many getting entangled among logs and stumps, made but little progress. I kept the path and was still foremost when a dark figure shot past me, and at the same moment I heard the voice of the Black Duck, saying, "Neen dow in nin ne" (I am a man). I had often heard of the prowess of this man and in one instance had seen him at the Sioux village at Chief Mountain lead in what we all supposed would be an attack. Now I determined to keep near him. We had advanced within gunshot of the fort when he began to leap first to one side and then to the other, thus moving in a zig zag line, though rapidly, toward the gate of the fort. I followed his example, and when he leaped into the open gate of the fort it was with a surprising effort of activity, which carried his feet near two yards from the ground. We saw within the fort a house, at the door and window of which we perceived a bright light. The Black Duck had a buffalo robe over his shoulders, the dark color of which enabled him to pass the window undiscovered by the man who was watching within; but my white blanket betraying me, the muzzle of a gun was instantly presented to my head, but not discharged, for the Black Duck at that instant caught in his arms the affrighted Frenchman, who had mistaken me for one of the Sioux and was in the act of firing upon me. The second Frenchman was with the women and children, who were all lying in a heap in the corner of the room, crying through fear. It appeared that the one who was watching by the window, who was the most manly of the two, had a few minutes before been driving his horse out of the fort to give him water, when the animal had been shot dead in the gate by some men concealed near at hand. He at first thought we were the people who had shot his horse, but he was soon convinced of his error, as we did not even know that the body of the horse was lying at the gate, having jumped entirely over it when we entered. This Frenchman would not leave the fort, but the Black Duck, who was a relative of one of the women, insisted that they should be taken to the Indian camp. Others of our young men had by this time come up, and we determined to watch in the fort all night. Next morning we found the trail of the two men, who had crossed the Pembina River, a considerable war party having been concealed on the other side. The two men were the celebrated Yankton chief, Wah ne tow, and his uncle. They had concealed themselves near the gate of the fort, with the determination to shoot down whatever came out or went in. The first that passed happening to be the Frenchman's horse, he was shot down, and the two men, probably without knowing whether they had killed man or beast, fled across the river.

When it was ascertained that the Sioux war party was not a very large one, many were disposed to pursue after it, but Esh ke buk ke koo sha said, "Not so, my brethren; Manito o geezhik, whose messenger I am to you, tells us we must no more go against our enemies. And is it not manifest that in this instance the Great Spirit has protected us? Had the Sioux come about our lodge when we were feasting in security, without our arms in our hands, how easily they might have killed all of us; but they were misled and made to mistake a Frenchman's horse for an Ojibbeway. So will it continue to be if we are obedient to the injunctions we have received." I began to be apprehensive for my family, having left them at home, and fearing that the Sioux might visit them on their way to their own country. "Go," said Esh ke buk ke koo sha, when I told him of my anxiety, "but do not fear that the Sioux can do any injury to your wife and children; but I wish you to go, that on your return you may bring me your medicine bag and I shall show you what to do with the contents." I did accordingly, and he ordered the contents of my medicine bag, except the medicines for war and hunting, to be thrown into the fire. "This," said he, "is what we must henceforth do." * * * I was much dissatisfied at the destruction of the contents of my medicine bag, many of them being such roots and other substances as I had found useful in the disorders incident to my situation.

When the spring came on I went to fulfill an appointment I had made the preceding fall with Sha gwaw ko sink, to meet him at a certain place (Hair Hills). I arrived on the spot at the time appointed, and shortly afterwards the old man came on foot and alone to search for me. He had encamped about 2 miles distant, where he had

been for two days, and they had plenty of fresh meat, which was particularly grateful to me, as for some time past I had killed but little.

I lived with him during the summer. Sha gwaw ko sink was now too old and feeble to hunt, but he had some young men with him who kept him supplied while game was to be had. * * *

DEATH OF LITTLE CLAM (SHELL).

Page 178: In the spring of the year, after we had assembled at the trading house at Pembina, the chiefs built a great lodge and called all the men together to receive some information concerning the newly revealed will of the Great Spirit. The messenger of this revelation was Manito o gee zhik, a man of no great fame, but well known to most of the Ojibbeways of that country. He had disappeared for about a year, and in that time he pretended to have visited the abode of the Great Spirit and to have listened to his instructions; but some of the traders informed me he had only been to St. Louis on the Mississippi.

The Little Clam (Shell) took it upon him to explain the object of the meeting. He then sung and prayed, and proceeded to detail the principal features of the revelation of Manito o gee zhik. The Indians were no more to go against their enemies; they must no longer steal, defraud, or lie; they must neither be drunk, nor eat their food, nor drink their broth when it was hot. Few of the injunctions of Manito o gee zhik were troublesome or difficult of observance, like those of the Shawnee prophet. Many of the maxims and instructions communicated to the Indians at this time were of a kind to be permanently and valuably useful to them.

When we were ready to separate from the trading post Ais ainse (Little Clam Shell) invited several of us, myself in particular, to accompany him to his residence at Man e to Sah gi e gun, or Spirit Lake,¹ but I would not join him as I wished to remain in a woody country, for the purpose of hunting the fur-bearing animals. Ten men, among whom were Wa ge tone and Ge ah ge git, together with great numbers of women, accepted his invitation and went with him. A young man, a friend of Little Clam (Shell), named Se gwun oons (Spring Deer), before they separated from us at Pembina, predicted that he would be killed at Spirit Lake (Devils Lake). Many other predictions he made, which were verified from day to day, until the Indians came to have such confidence in him that his admonitions of pending danger to those who would go to Spirit Lake began to be so much regarded that Wa me gon a biew and many others became alarmed and returned. Last of all came Match e toons, a foolish and lying young man, who reported that the indications of danger thickened round the Little Clam (Shell) and his band. He had stolen away in the night and the next morning though he had fled a considerable distance he heard the guns of the Sioux at the camp he had left. We did not immediately credit the account of this man, but waited anxiously from day to day till at last the chiefs determined to send twenty men to ascertain whether there was any foundation for his statement. This party, when they arrived at the place where the Little Clam (Shell) had been encamped found that the whole band had been cut off. First, and in advance of all the camp lay the body of Se gwun oons, the young man who had predicted the attack before he left Pembina. Near him lay some young men of his own age, and farther back the stout body of Little Clam (Shell) stuck full of arrows. In the camp the ground was strewn with the bodies of women and children. At a distance was the body of one of the Sioux in sitting posture and covered with the pukkwi, or mats, which had belonged to the Ojibbeway lodges. Not one escaped except Match e toons, but some afterwards doubted whether he had not fled in the time of the fight instead of the evening before as he had stated. Thus died Little Clam (Shell) the last of the considerable men of his age belonging to the Ojibbeways of Red River. Our village seemed desolate after the loss of so many men.

We then went down to Dead River (Rivière aux Morts), planted corn and spent the summer there. Sha gwaw koo sink, and Ottawwaw, a friend of mine and an old man, first introduced the cultivation of corn among the Ojibbeways of the Red River country. * * *

(These events took place about 1804.)

¹ Devils Lake, and on the Northwest Company's map "God's Lake."

NO. IX.

Governor Clarke and Captain Lewis—Wa be no—Marriage of Pi che to and Skwa shish—Attack of Sioux war party and pursuit to their village at Chief Mountain and to the head of St. Peters River.

Page 112: On going to Mouse River trading house, I heard that some white people from the United States had been there to purchase some articles for the use of their party, then living at the Mandan village. I regretted that I had missed the opportunity of seeing them, but as I had received the impression that they were to remain permanently there I thought I would take some opportunity to visit them. I have since been informed that these white men were some of the party of Governor Clark and Captain Lewis, then on their way to the Rocky Mountains and the Pacific Ocean. * * *

Page 119: Four days after I returned from Red River we moved to the woods; Wa me gon a biew with his two wives and his family, Waw be be nais sa with one wife and several children, myself and wife, and the family of Net no kwa. We directed our course toward the Craneberry River [Pembina], as we wished to select near that place a favorable spot where our women and children might remain encamped, it being our intention to join a war party then preparing to go against the Sioux. When we had chosen a suitable place we applied ourselves diligently to hunting, that we might leave dry meat enough to supply the wants of our families in our absence. It happened, one morning, that I went to hunt with only three balls in my pouch, and finding a large buck moose, I fired at him rather hastily, and missed him twice in succession. The third time I hit but did not kill him, only wounding him in the shoulder. I pursued and at length overtook him, but having no balls I took the screws out of my gun, tying the lock on with a string, and it was not till after I had shot three of them into him that he fell.

We had killed a considerable quantity of meat, and the women were engaged in drying it, when, feeling curious to know the state of forwardness of the war party at Pembina and how soon they would start, we took our horses and rode down, leaving Waw be be nais sa with the women. When we arrived we found 40 men of the Muskegoes ready to depart on the following morning, and, though we had come without our moccasins or any of the usual preparations, we determined to accompany them. Great numbers of Ojibbeways and Crees had assembled, but they seemed, in general, unwilling to accompany the Muskegoes, as this band is not in very high repute among them. Wa me gon a biew was willing to dissuade me from going, urging that we had better put it off and go with the Ojibbeways in the fall. But I assured him I would by no means lose the present opportunity, inasmuch as we could both go now and in the fall also. * * *

Page 122: I now began to attend to some of the ceremonies of what may be called the initiation of warriors, this being the first time I had been on a war party. For the first three times that a man accompanies a war party the customs of the Indians require some peculiar and painful observances, from which old warriors may, if they choose, be exempted. The young warrior must constantly paint his face black, must wear a cap or headdress of some kind, must never precede the older warriors, but follow them, stepping in their tracks. He must never scratch his head or any other part of his body with his fingers, but if he is compelled to scratch he must use a small stick; the vessel he eats or drinks out of, or the knife he uses, must be touched by no other person. * * * The young warrior, however long and fatiguing the march, must neither eat nor drink nor sit down by day; if he halts for a moment he must turn his face toward his own country, that the Great Spirit may see that it is his wish to return home again. * * *

Page 125: We journeyed on in company for some days, when, in crossing some of the wide prairies, our thirst became so excessive that we were compelled to violate some of the rules of the war party. The principal men were acquainted with the general features of the country we had to pass, and knew that water could be found within a few miles of us, but most of the older warriors being on foot, were exhausted with fatigue and thirst. In this emergency it became necessary that such of the party as had horses, among whom were Wa me gon a biew and myself, should go forward and search for water, and when it was found make such a signal as would inform the main body what course to pursue. I was among the first to discover a place where water could be had, but before all the men could come up to it the suffering of some of them had become excessive. Those who had arrived at the spring continued to discharge their guns during the night, and the stragglers dropped in from different directions, some vomiting blood and some in a state of madness.

As we rested at this spring an old man called Ah tek oons (the Little Caribou)

made a Kozau bun zichegun, or divination, and announced afterwards that in a particular direction, which he pointed out, was a large band of Sioux warriors coming directly toward us; that if we could turn to the right or to the left and avoid meeting them we might proceed unmolested to their country and be able to do some mischief to the women in their villages, but that if we suffered them to come upon us and attack us we should be cut off to a man. Ta bush shah affected to place the most implicit reliance on this prediction, but the Muskegoe chief and the Muskegoes generally would not listen to it.

There was now an incipient murmur of discontent, and some few openly talked of abandoning A gus ko gaut and returning to their own country, but for some days nothing occurred, except the discovery by some of our spies of a single Indian, at a distance, who fled immediately on being seen, and was from that circumstance supposed to be one of a Sioux war party. One morning we came to a herd of buffalos, and being without any food, several of the young men were dispersed about to kill some. We had now, since the discovery of the Sioux, been traveling only by night, keeping ourselves concealed in the daytime. But the unguarded manner in which the Muskegoes suffered their young men to pursue the buffalo, riding about in open day and discharging their guns, afforded Ta bush shah an opportunity to effect what was probably the sole design of his journey, a disunion of the party, and eventually the frustration of all the designs of A gus ko gaut. * * *

Page 128: In four days after we started to return we reached Large Wood River, which heads in a mountain, and, running a long distance through the prairie and ten miles underground, empties into Red River. Below the place where it disappears under the prairie it is called by another name, but it is no doubt the same river. Here we killed one of the common red deer, like those of Kentucky, though this kind is not often seen in the North.

When I returned to my family I had but 7 balls left, but as there was no trader near I could not at present get any more. With those 7 I killed 20 moose and elk. Oftentimes in shooting an elk or a moose the ball does not pass quite through and may be used again. * * *

Page 133: As the sugar season came on we went to Pe kau kau ne Sah ki e gun (Buffaloe Hump Lake), two days' journey from the head of Pembinah River, to hunt beavers. We took our wives to the hunting grounds, but left old Net no kwa with the children to make sugar. It was now our object to kill beaver enough to enable us to purchase each a good horse, intending to accompany the war party against the Sioux the ensuing summer. In ten days I killed 42 large and fine beavers, and Wa gon a biew about as many. With these we repaired to the Moose River trading house to buy horses. Mr. McKie had promised to sell me a very large and beautiful horse of his, which I had before seen, and I was much dissatisfied when I found the horse had been sold to the Northwest Company. I told him, since the horse had gone to the Northwest, the beavers might go there also. So, crossing to the other side, I bought a large gray mare for 30 beaver skins. This was in some respects as good a horse as the other, but it did not please me as well. Wa me gon a biew also bought a horse from the Indians, and then we returned to Great Wood River to look for old Net no kwa, but she had gone to Red River, whither we followed her. * * *

Page 134: As we were one day traveling through the prairie we looked back, and saw at a distance a man loaded with baggage, and having two of the large ta wa e gun num, or drums used in the ceremonies of the Waw be no. We looked to our young woman for an explanation, as we soon recognized the approaching traveler to be no other than Pich e to, one of the band of inhospitable relatives we had lately left. The face of Skwaw shish, the Bow we tig girl, betrayed the consciousness of some knowledge respecting the motives of Pich e to.

At this time the Waw be no was fashionable among the Ojibbeways, but it has ever been considered by the older and more respectable men as a false and dangerous religion. The ceremonies of the Waw be no differ very essentially from those of the Metai, and are usually accompanied by much licentiousness and irregularity. * * *

Page 136: Pich e to, with his two ta wa e guns, at length came up and stopped with us. Old Net no kwa was not backward about inquiring his business, and when she found that his designs extended no further than to the Bow we tig girl, she gave her consent to the match and married them immediately. * * *

Very early in the spring we had much severe thunder and lightning. One night Pich e to, becoming much alarmed at the violence of the storm, got up and offered some tobacco to the thunder, entreating it to stop. The Ojibbeways and Ottawaws believe that thunder is the voice of living beings, which they call an nim me keeg (it thunders), some considering them to be like men, while others say they have more resemblance to birds. It is doubtful whether they are aware of any necessary connection between the thunder and the lightning which precedes it. * * *

Page 137: After we had killed and dried large quantities of meat we erected a sun-jegwun, or a scaffold, where we deposited as much as we thought would supply the wants of our women in our absence. Before we had entirely finished the preparations for our journey we were fallen upon by a war party of about 200 Sioux, and some of our people killed. A small party of Assineboins and Crees had already gone out toward the Sioux country, and falling, by accident, on the trace of this war party of 200, had dogged them for some time, coming repeatedly near enough to see the crane's head, used by their chief instead of stones in the *Ko sau bun zitch e* gun, or nightly divination, to discover the position of the enemy. This little band of Crees and Assineboins had not courage enough to fall upon the Sioux, but they sent messengers to the Ojibbeways by a circuitous route. These came to the lodge of the principal chief of the Ojibbeways, who was hunting in advance of his people; but this man scorned to betray fear. By retreating immediately to the trader's fort he might have escaped the threatening danger. He made his preparations to move, but his old wife, being jealous of the younger one, which was now in higher favor than herself, reproached him, and complained that he had given more to the young woman than to her. He said to her, "You have for a long time annoyed me by your jealousy and your complaints, but I shall hear no more of it. The Sioux are near and I shall wait for them." He accordingly remained and continued hunting. Early one morning he went up into an oak tree that stood near his lodge to look out over the prairie for buffalo, and in descending he was shot from below by two young men of the Sioux, that had been concealed there a great part of the night. It is probable they would have fallen on him sooner but for fear. Now the tramping of horses was heard, and the men who were with the chief had scarce time to run out of the lodge when the 200 Sioux, on their horses, were at the door. One of the two runners who had come forward and had been concealed in the hazel bushes was an uncle of *Wah ne taw*,¹ at present a well-known chief of the *Yonktongs*, and the party was led by this father. *Wah ne taw* himself was of the party, but was then less distinguished than he has since become. The fight continued during the day; all the Ojibbeways, about 20 in number, being killed, except *Ais ainse* (the Little Clam), a brother of the chief, two women, and one child.

Page 138: Mr. Henry, the trader at Pembinah, gave the Ojibbeways a 10-gallon keg of powder and 100 pounds of balls to pursue after the party that had killed the chief, his father-in-law. Of the 400 men that started, 100 were Assiniboin, the remaining 300 Crees and Ojibbeways, with some Muskegoes. * * *

Page 140: At Lake Traverse our number had diminished to 120; of these, 3 men were half-breed Assiniboin, about 20 Crees, and as many Ottawwaws, the rest Ojibbeways. Many of the party had become discouraged by unfavorable divinations; among others, one by *Pe shau ba*, the Ottawwaw chief, made on the first night after we left Pembinah. He told us that in his dream he saw the eyes of the Sioux like the sun; they saw everywhere and always discovered the Ojibbeways before the latter came near enough to strike them; also, that he had seen all our party returning, unharmed, and without scalps; but he said that on the left-hand side of Lake Traverse, opposite our road, he saw two lodges of Sioux by themselves, which he intended to visit on his return. * * *

NO. X.

EXTRACTS FROM MAJ. STEPHEN H. LONG'S U. S. T. E. NARRATIVE JOURNAL OF AN EXPEDITION TO THE SOURCE OF ST. PETERS RIVER, LAKE WINNEPEEK, LAKE OF THE WOODS, IN 1823.

[Keating ed., 1824.]

Major Long describes Pembina, the Red River country, and the inhabitants, as follows:

Page 12: Our route that day led us near to Sioux River. For some distance we had on our right a ridge of about 30 or 40 feet in height, which as we advanced inclined to the northeast and soon disappeared. By the *Dacotas* Sioux River is called *Kantoko*, from a thicket of plum bushes near its head. A few insulated patches of wood seen scattered over the prairie from the "*Isles des Bois*" of the voyagers. We were shown, at a distance, on the west bank of the river, an elevation, called by the Indians the *Thunder's Nest*. At its base there are a number of salt ponds. * * *

Page 13: The *Bois des Sioux* is supposed to be the northernmost limit of the undisputed property of the Sioux on Red River. Beyond this they never hunt without

¹ Long's *Wa no tan*.

being prepared for war, as the prairies between this place and the Wild Rice River to the east and Turtle River to the west of Red River form a sort of debatable land, which both Chippewas and Dakotas claim, and upon which both frequently hunt, but always in a state of preparation for hostilities.

Page 13: After travelling nine miles beyond the Bois des Sioux, the party came to a stream called Red River. This stream branches out at about four miles above the place where we struck it. One of its branches rises, as we have mentioned, in Lake Traverse, but is dried up during some parts of the year. The other rises in Ottertail Lake, which is in the neighbourhood of the head of the Riviere de Corbeau. By the Indians this branch is called Ottertail River, and the stream continues, after the junction of the two, to be called by them Sioux or Swan River, until it receives the Red Fork that rises in Red Lake. They then apply to the stream the name of Red River, while the traders have bestowed this name to the branch that rises in Ottertail Lake. * * *

Page 29. On the Saskatchewan buffaloes are very abundant. It may be proper to mention here that the small white buffalo, of which Mackenzie makes frequent mention on the authority of the Indians, who told him that they lived in the mountains, is probably not the bison, for Lewis and Clarke inform us that the Indians designated by the name the mountain sheep. * * * It is probable that west of the Rocky Mountains the buffalo does not extend far north of the Columbia.

At present it is scarcely seen east of the Mississippi and south of the St. Lawrence. Governor Cass's party found, in 1819, buffaloes on the east side of the Mississippi, above the falls of St. Anthony. Every year this animal's roving is restricted. In 1822 the limits of its wanderings down the St. Peter was Great Swan Lake (near Camp Crescent). In 1823 the gentlemen of the Columbia Fur Company were obliged to travel five days in a northwest direction from Lake Travers before they fell in with the game, but they then soon succeeded in killing sixty animals. There can be no doubt but this constant subtraction from his roamings must affect his numbers; certainly more than the practice of killing only the cows and leaving the bulls, a custom which has probably prevailed among the Indians for a long while, and which we can not therefore consider as the source of the great modern diminution in their numbers. Civilization in its steady march destroys the larger gregarious animals, and even drives back the hunting man, unless he change his mode of life. If the deer were more social in his habits, that interesting tenant of our forests would have been long since driven to the asylum of the buffalo, the elk, and the beaver. * * *

Page 36. On the 5th we travelled fifteen miles before breakfast and reached Red River, which we crossed in a barge opposite to the settlement called Pembina, where we remained four days. * * * On Red Lake we were told that the trees consist of fir, sugar maple, and birch. The country is very flat and remarkably deficient in water. There are no valleys, and but few brooks, streams, or even springs.

The streams that enter Red River from its source to the forty-ninth degree of north latitude are, on its right bank, Buffalo, Wild Rice, Plum, Sand hill, Red Fork, Swamp, and the "Two Rivers;" on its left bank, Pse, Shienne, Elm, Goose, Turtle, Saline, Park, and Pembina. Of these, it may be observed that some confusion exists as to the names of the streams, from the circumstance that different appellations are applied to them by the Dakotas, the Chippewas, and the traders. A concordance between these different synonymies is difficult to establish. Thus, the term Pse, applied by the Sioux to one of the western tributaries, has the same meaning as the word Menomone, used by the Chippewas to designate one of the rivers that fall in on the east bank, and both are by the traders called Wild Rice or Folle Avoine. We have used those names that were least likely to create a confusion, and as that of Menomone was preoccupied we have kept the name of Pse for the western and Wild Rice for the eastern tributary. However bad the names may be, we have preferred retaining them than increasing the confusion by substituting new terms. It is to be regretted that the practice of retaining the Indian appellations had not been more generally adopted by travellers. They have rejected the melodious and original names to substitute others less pleasant to the ear and worn out by frequent use, not only on this, but also on the other side of the Atlantic.

Buffalo River rises in a chain of small lakes surrounded by a large forest (Grand Bois), which is said to extend to the Mississippi. Its course from its source is about northwest; its length, sixty miles; its breadth where we crossed it, eight yards; its bottom muddy.

Wild Rice River is about one hundred and twenty miles long. Its name is derived from the abundance of wild rice which grows in a circular lake, about eighteen miles diameter, in which it takes its rise. It is said that the supply of grain which this lake yields is inexhaustible. The course of the river is about parallel to that of Buffalo River. Its breadth, nine miles above its mouth, was twelve yards.

Page 38: The bed of Plum Rivulet was five yards wide; that of Sandhill ten, but both were dry.

The Red Fork, which by the Indians is considered as the main branch, takes its name from the Red Lake, in which it rises. Both are said to be translations of the term bloody, used by the Indians, and which is doubtless derived from some slaughter committed in that vicinity, not, as in the case of many other rivers which have the same appellation, from the color of their bed.

In times of flood the Red Fork is navigable for barges throughout its length to Red Lake, a distance of one hundred and twenty miles; in ordinary stages of water canoes can ascend it to its source. This is the most important tributary of Red River, containing probably an equal quantity of water with the main stream itself. Mr. Jeffries informed us that Red Lake had the form of a crescent, with its back to the southwest; that its dimensions were sixty miles by twenty-four. Carver says (p. 72) that "Red Lake is a comparatively small lake at the head of a branch of the Bourbon River, which is called by some Red River. Its form is nearly round and about sixty miles in circumference." Carver had not visited the lake. The general course of Red Fork from this lake is northwest; it receives a few small tributaries, the most important of which are Clear River, entering about thirty miles from its mouth on the southwest side, and Thief River, entering it from the northeast. The woods along Red Fork are very thick and extend to about half a mile on either side. Hazelnuts were very abundant and nearly ripe at that time. Below the junction of Red Fork with the main stream Red River was observed to be about forty yards wide, and its current was about one knot per hour. The bed of Swamp River was dry. At the place where we crossed the two rivers each was about ten yards wide; they unite 2 miles below and fall into Red River about ten miles beyond their junction. At the confluence of the two branches there is a considerable salt spring.

Page 39: "As we travelled on the east bank of Red River, we saw none of the tributaries that come in from the west, but Mr. Jeffries, who is well acquainted with the country, has described them to us as follows:

"The Pse River rises near the Coteau des Prairies at the distance of about forty miles from Lake Travers.

"The Shienne or Shabiada (river of the Shien, a nation driven by the Sioux to the upper Missouri) is a considerable stream, being as wide as Red River itself above their junction; it has fine, clear water. Its general course is northeast.

"Turtle River is formed by the junction of two branches about forty miles above its mouth. It is of the size of Wild Rice River. It takes its source in Devil Lake. Its course is north of west.

"Big Salt River is a considerable stream, which rises in a lake of the same name which is about a mile and a half in circumference.

"Park River is of the same size as Big Salt River and is formed by the union of several insignificant streams.

"About one mile above the village of Pembina the river of the same name falls into Red River. This is probably, next to the Red Fork, the largest tributary south of the 49th degree. About three miles above its mouth it receives the Tongue River, which is a large brook.

"There are doubtless in this country a great many salt springs, especially below the Red Fork. We saw none, but we were informed that fine springs exist on Big and Little Saline rivers, on the Two Rivers, &c., where the salt is found in white efflorescences, so as to be annually collected there by the colonists of Pembina. Notwithstanding which at that settlement the price of this article is from four to six dollars per barrel, weighing eighty lbs. One of the residents on this river cleared five hundred dollars in one winter by the salt which he collected. Probably by boring to a small depth abundant springs would be obtained. * * *

Page 41: The settlement of Pembina is situated on Red River, about one hundred and seventy miles above its mouth. The river is here only fifty yards wide, but its depth is very considerable, in the middle of the stream not less than from ten to twenty feet. It is deeply incased, which prevents the water from overflowing the country, though its swells are considerable. An old trader who has resided there for upwards of forty years informed us that he had once witnessed a flood which covered the banks, the water having risen sixty-six feet. The usual rises are from fifteen to twenty feet.

The principal inhabitant of the place, Mr. Nolen, being apprized of our arrival, furnished us the means of crossing the river and entertained us several times at his house during our stay in his vicinity. We are indebted to him for much polite attention.

Pembina constituted the upper settlement, made on the tract of land granted to the late Lord Selkirk by the Hudson's Bay Company. It may be well to observe that

by virtue of a charter from Charles the Second, granted in 1670 to Prince Rupert and others, constituting the "honorable Hudson's Bay Company," the whole of the British dominions lying contiguous to Hudson's Bay or its tributaries has been claimed by that company, not only as regards the monopoly of the fur trade, but also as respects the right to the soil and to the jurisdiction of the country. About the year 1812 Lord Selkirk, who was one of the principal partners, obtained from the company a grant of a considerable tract of land, including both banks of Red River up to the Red or Grand Fork. To this he extinguished the Indian title by the payment of a certain amount and the promise of an annuity to the Indians. He then opened the lands for settlement, inviting a number of British subjects to go and reside upon them, and, with a view to strengthen his infant colony, he engaged recruits from Switzerland and other countries, and especially increased it by a number of soldiers belonging to the *de Meuron* and *de Watteville* regiments, two foreign corps that were in the pay of England during the late war and that were disbanded in Canada in the year 1815. Two principal settlements were formed, one at Fort Douglas, which is at the confluence of the Assiniboin and Red rivers, and the other one hundred and twenty miles by water above that and near the mouth of a small stream named by the Chippewas *Anepeminan Sipi*, so called from a small red berry termed by them *Anepeminan*, which name has been shortened and corrupted into *Pembina*, * * * (*Virburnum oxycoccus*).

Page 42: The Hudson's Bay Company had a fort here until the spring of 1823, when observations made by their own astronomers led them to suspect that it was south of the boundary line, and they therefore abandoned it, removing all that could be sent down the river with advantage. The Catholic clergyman who had been supported at this place was at the same time removed to Fort Douglas, and a large and neat chapel built by the settlers for their accommodation is now fast going to decay. The settlement consists of about three hundred and fifty souls, residing in sixty log houses or cabins. They do not appear to possess the qualifications for good settlers; few of them are farmers; most of them are half-breeds, who, having been educated by their Indian mothers, have imbibed the roving, unsettled, and indolent habits of Indians. Accustomed from their early infancy to the arts of the fur trade, which may be considered as one of the worst schools for morals, they have acquired no small share of cunning and artifice. These form at least two-thirds of the male inhabitants; the rest consist of Swiss and Scotch settlers. Most of the former are old soldiers, as unfit for agricultural pursuits as the half-breeds themselves. The only good colonists are the Scotch, who have brought over with them, as usual, their steady habits and their indefatigable perseverance. Although the soil about Pembina is very good, and will, when well cultivated, yield a plentiful return, yet from the character of the population, as well from the infant state of the colony, it does not at present yield sufficient produce to support the settlers, who therefore devote much of their time to hunting; this, which perhaps in the origin was the effect of an imperfect state of agriculture, soon acted as a cause, for experience shows that men addicted to hunting never can make good farmers. At the time when we arrived at the colony most of the settlers had gone from home, taking with them their families, horses, etc. They were then chasing the buffalo in the prairies, and had been absent forty-five days without being heard from. The settlement was in the greatest need of provisions; fortunately for us, who were likewise destitute, they arrived the next day. Their return afforded us a view of what was really a novel and interesting spectacle; their march was a triumphant one, and presented a much greater concourse of men, women, and children than we had expected to meet on those distant prairies. The procession consisted of one hundred and fifteen carts, each loaded with about eight hundred pounds of the finest buffalo meat. There were three hundred persons, including the women. The number of their horses, some of which were very good, was not under two hundred. Twenty hunters, mounted on their best steeds, rode in abreast; having heard of our arrival, they fired a salute as they passed our camp. These men receive here the name of *Gens libres*, or Freemen, to distinguish them from the servants of the Hudson's Bay Company, who are called *engagés*. Those that are partly of Indian extraction are nick-named *Bois brûlé* (Burnt wood), from their dark complexion.

Page 44: A swift horse is held by them to be the most valuable property. They are good judges of horses, particularly of racers, with which they may chase the buffalo. Their horses are procured from our southern prairies, or from the internal provinces of New Spain, whence they are stolen by the Indians and traded or restolen throughout the whole distance until they get into the possession of these men. Their dress is singular, but not deficient in beauty; it is a mixture of European and Indian habits. All of them have a blue capote with a hood, which they use only in bad weather. The capote is secured round their waist by a military sash. They wear a shirt of

calico or painted muslin, moccasins, and leather leggings fastened round the leg by garters ornamented with beads, &c. The Bois brulés often dispense with a hat; when they have one it is generally variegated, in the Indian manner, with feathers, gilt lace, and other tawdry ornaments. * * *

Page 45: The great mixture of nations, which consist of English, Scotch, French, Italians, Germans, Swiss, united with Indians of different tribes, viz, Chippewas, Crees, Dacotas, &c., has been unfavourable to the state of their morals, for, as is generally the case, they have been more prone to imitate the vices than the virtues of each stock. We can therefore ascribe to this combination of heterogeneous ingredients but a very low rank in the scale of civilization. They are but little superior to the Indians themselves. Their cabins are built, however, with a little more art; they cultivate small fields of wheat, maize, barley, potatoes, turnips, tobacco, &c. A few of the more respected inhabitants keep cows and attend to agriculture, but we saw neither a plough nor a yoke of oxen in use in the whole of the upper settlement. Considering the high latitude of Pembina, the above-mentioned plants thrive well. Maize yields tolerable crops; so does tobacco, which even yields seed. The wheat which is in great repute here is the bearded wheat. The price of agricultural produce is apparently very high. Wheat sells for \$2.00 per bushel; Indian corn for \$3.00; barley, which is much used by the colonists in soup, yields \$3.00; potatoes, from 50 cents to \$1.00, and the other vegetables in proportion. It may be well, however, to add that these are mere nominal prices. There is no specie currency; everything is traded for in the way of exchange for some other commodity at the rates affixed to them by the Hudson's Bay Company, of which the following may give an idea: Gunpowder at \$1.25 per lb.; buck and small shot at 75 cents per lb.; tobacco, \$2.00 per lb.

Page 46: The main object of the party in visiting this place being the determination of the 49th degree of latitude, Mr. Calhoun lost no time in taking observations. The first one which he made was near Mr. Nolen's house and although not very satisfactory, yet it showed that we were near to the boundary line, as it indicated $48^{\circ} 59' 27''$. We then pitched our camp a little further down on the bank of the river, and as near as we can judge to the boundary line. A large skin lodge which was lent to us sheltered the gentlemen of the party during our stay there; our flies were pitched around it for the use of the soldiers. In honour of the President of the United States, this place received the name of Camp Monroe. A flagstaff was planted, which, after a series of observations, made during four days, was determined to be in latitude $48^{\circ} 59' 57\frac{1}{2}''$ north. The magnetic variation having been ascertained to be $13^{\circ} 17' 25''$ east, the distance to the boundary line was measured off and an oak post fixed on it, bearing on the north side the letters G. B., and on the south side those U. S. On the 8th of August, at noon, the flag was hoisted on the staff, which bore south $44^{\circ} 25'$ west of the post, at a distance of $207\frac{1}{2}$ feet. A national salute was fired at the time, and a proclamation made by Major Long, that "by virtue of the authority vested in him by the President of the United States, the country situated upon Red River above that point was declared to be comprehended within the territory of the United States." This declaration was made in the presence of all the inhabitants collected for that purpose. They appeared well satisfied in hearing that the whole of the settlement of Pembina, with the exception of a single log house standing near the left bank of the river, would be included in the territory of the United States. While fixing the posts, the colonists requested that they might be shown how the line would run; when this was done the first observation they made was, that all the buffalo would be on our side of the line; this remark shows the great interest they take in this animal, to which all their thoughts recur. We might almost apply to them the observation made by Gomara of the natives of the Province of Quivira, and which is strictly true of the Dacotas. "The people have no other riches (than the buffalo), they are unto them meat, drink, apparel; their hides also yield them houses and ropes; their sinews and hair, thread; their horns, mawes, and bladders, vessels; their dung, fire; the calves' skins budgets wherewith they draw and keep water." * * *

No. XI.

EXTRACTS FROM THE REPORT OF CAPT. JOHN POPE'S EXPLORATION OF THE TERRITORY OF MINNESOTA, EMBRACING THE TURTLE MOUNTAINS INDIAN COUNTRY, IN 1849. [Vide Senate Ex. Doc. No. 42, Thirty-first Congress, first session, pp. 20-33.]

Page 20 (June 16 to July 11): On the 10th we crossed the Tipsinah or Potato River, also a tributary of the St. Peters, and reached a lake to which, from its peculiar form, we gave the name of Elbow Lake. When within a few miles of the lake we

encountered a small war party of Chippewas from Ottertail Lake, numbering about twenty-five, the first Indians we had seen since leaving the Mississippi, with the exception of five or six Winnebagoes on a hunting expedition near "White Bear Lake." We had thus left the Winnebago country, and, in approaching the Red River of the North, were coming upon the battle ground of the Sioux and Chippewas. The party of Chippewas who met us gave us their war dance for some trifling presents of paint and tobacco, and left us early the following morning to resume their warpath.

On the morning of the 11th we crossed the Rabbit River, and after passing over a high rolling prairie about twelve (12) miles we encamped upon the banks of the Red River of the North, having consumed five weeks in accomplishing a distance of one hundred and forty (140) miles. Although we made this day a march of twenty-five miles, and even on horseback suffered greatly from the heat and mosquitoes, we found we had been accompanied by several of the war party of Chippewas, who had managed easily to keep pace with us on foot.

About midday we met a detachment of French and English half-breeds, and a few miles further the agents of the American Fur Company, with a train of wagons, making their yearly expeditions to St. Peters, with their furs and peltries. Mr. Kittson, the chief person belonging to the American Fur Company, not only kindly offered us the use of his house when we should reach the settlements at Pembina, but sent back with us one of his men to see that we should be supplied from his place with everything we might require. We were much struck with the primitive appearance of the train of carts, without a particle of iron about them, each drawn by a single ox in the shafts, and carrying about one thousand pounds. * * *

Page 26: After leaving Goose River our route was along the eastern slope of the ridge to Turtle River, distant from Goose River twenty-one (21) miles. Neither of these is more than two and a half ($2\frac{1}{2}$) feet deep where we crossed, the Goose River being much the most abundantly supplied with timber. The country between Turtle River and Long Lake, seventeen and a half ($17\frac{1}{2}$) miles, is in all respects the same, and is intersected by many streams, some of which are fringed with timber. The most important are Big and Little Salt rivers, the one distant by the road twenty (20), the other twenty-seven (27) miles from Turtle River. At Long Lake we commenced again to descend into the lower valley of the Red River, and the timber, principally oak, became much more abundant than at any other point of the valley we had yet seen.

We crossed in succession, and within a few miles of each other, Little Hill River, Clear Water River, Steep Hill River, Hartshorn River, and about seven miles distant from the last-named stream we encamped on Mud River, which traverses the western edge of the Poplar Islands. All the above-named rivers join each other in the valley of the River, and form a considerable stream called Park River, which empties into the Red River of the North, about thirty miles from our northern frontier.

They are most abundantly timbered and to the northwest extends a heavy and continuous mass of hard-wood timber, which I was informed by the guides extended back without prairie about thirty (30) miles to Pembina Mountain.

The "Poplar Islands" are detached groves of poplar scattered confusedly over a country covered with a growth of dwarf bushes, and when we passed was quite swampy. The trees composing what are called the islands are small and hardly serviceable even for firewood. This peculiar formation is about seven (7) miles across from southeast to northwest and about ten miles in length.

After leaving the Poplar Islands we passed over a low alluvial prairie twelve (12) miles to the Tongue River, a tributary of the Pembina River, the woods of which became perceptible as soon as we had emerged from the islands. Of all the streams I have noticed as contributing to form the Park River, by far the largest and most sinuous is the Mud River, which is twenty yards wide and three feet deep.

From the point at which we struck the Tongue River we followed it down nearly to its junction with the Pembina. It is a small stream fifteen yards wide and four or five feet deep where we crossed, and has taken its name from a peculiar fork of the river at a place called Bottinneau Point, ten miles distant from the mouth of Pembina River. At the mouth of the Pembina River and on its left bank two miles south of the northern frontier of the United States is situated the settlement of half-breeds known as the "Pembina settlement," and which constitutes the only population other than Indian between the Mississippi and the British possessions. * * *

Page 17 (August 1 to 26): Our settlements in this country consist at present of eight or ten houses of the half-breed French, the trading house of Mr. Kittson, and the house of the Catholic priest, the great body of the half-breeds still living in lodges, from the uncertain tenure by which they hold their lands and the entire want of

protection and encouragement exhibited by our Government. The settlements under the dominion of the Hudson's Bay Company begin at our northern boundary line, two miles north of the mouth of the Pembina River, and extend along both banks of the Red River of the North to its entrance into Lake Winnipeg, one hundred and twenty (120) miles farther north. There are two military posts in this distance—one at the mouth of the Assiniboin River, sixty miles north of our frontier, called Fort Garry; and the other, called Fort Douglass, fifty (50) miles farther north.

The whole population within the territory of the United States amounts to about one thousand (1,000) French half-breeds and in the possession of the Hudson's Bay Company to about seven thousand (7,000) English, French, and Scotch half-breeds.

The English company has maintained in the forts I have mentioned a military force of several hundred men, but within a few years they have been withdrawn and their places supplied by invalid pensioners, amounting to about one hundred (100) men. The policy of the Hudson's Bay Company has been to keep these people in a deplorable state of ignorance as to the value of their lands and of the goods furnished them, in order to make use, as far as possible, of the services of the adventurous hunters and trappers among them. * * * The sole traffic of the Hudson's Bay Company in this region has been in the furs and peltries obtained by the employed hunters and trappers, and their value for the years 1847, 1848, and 1849 has been about \$400,000 for each year. This vast amount of peltries has to a great extent been withdrawn from the territory of the United States, and it is quite impossible to say what amount has been paid for them to the hunters and trappers, as there can be no other than an arbitrary price for the goods exchanged for them. It is quite certain that, by affording proper facilities of communication between the Mississippi and Red River of the North and by giving protection to those residing within our borders, goods and supplies can be thrown into the country cheaper and three months earlier than by Hudson's Bay. For the purpose of insuring a successful traffic, the policy of the English company has been, of course, to oppose anything like permanent settlement and cultivation of the soil, since the greater dependence of the half-breeds for means of subsistence, the greater the amount of the fur trade and its consequent profits.

Page 29: Not content with their influence along the Red River of the North, the company has established a chain of trading posts along our northern frontier to connect with their settlements in Oregon. Every year numerous carts pass along these posts into Oregon through two passes in the Rocky Mountains, which are said to be very easy of access, and within the boundaries of the United States. The half-breeds who have accompanied these expeditions to the Columbia represent the whole country along the northern frontier of Minnesota to be exceedingly fertile and the vegetation rapid and luxuriant. They have described to me the rich and beautiful valleys of several rivers flowing to the north across our boundary, but in terms which appeared to me so extravagant and romantic that I have hesitated to state anything upon the subject in this report. The total want of interest manifested by the Government of the United States in the settlements along the Red River of the North, and the presence and constant influence of English troops and English traders have convinced the people that it is far better to submit to the utmost exactions and most lawless conduct of the Hudson's Bay Company than, by opposing them, to be deprived of those articles of convenience and comfort which have now become necessary to them.

The presence of a single American trader has done much to improve this condition of things, yet, unprotected and unsupported as he finds himself by the authorities of his Government, it is quite improbable that he can long maintain with success an opposition to a body so powerful as the Hudson's Bay Company.

Mr. Kittson, the American trader at Pembina, though an intelligent and energetic man, and well disposed to maintain the honor of his country and the rights of her citizens, is nevertheless forced, by the strange neglect of his Government, to witness the alienation of a large body of people from the authority of the United States and the constant and barefaced acts of injustice and oppression which are daily perpetrated by the Hudson's Bay Company. The encroachments of the English upon American territory, the withdrawal of large amounts of property belonging to the United States, and the constant and shameless insults to our national honor by the arbitrary acts of the agents and soldiers of the Hudson's Bay Company within the Territory of Minnesota, would, I think, produce sufficient reasons to attract the immediate notice of our Government. The American traders are not only forced to submit to the constant insults of the authorities of the Hudson's Bay Company, but they labor under the almost insuperable disadvantage of being compelled to observe the strict laws of the United States in reference to the introduction of spirituous liquors among the Indians while the English traders flood the whole country under their eyes

with this all-powerful weapon. They are themselves compelled to observe a law which a foreigner can violate with impunity. That the United States will consent by the merest neglect to have withdrawn from their authority and influence a population of seven thousand (7,000) hardy and industrious people, who are only awaiting the slightest encouragement to settle and develop the rich resources of this portion of Minnesota, is no less deplorable than true, and is only to be accounted for by the belief that this melancholy state of affairs has never been properly represented.

Page 30: The course now necessary is the immediate establishment of a military post at or in the vicinity of the settlement at Pembina, which shall manifestly exhibit the intention of the Government of the United States to encourage the enterprise and industry of the people, protect them against lawless aggressions, and redeem the honor of the country from the slights now daily lavished upon it. Such a course would accumulate at some point along the Red River of the North a settlement of seven thousand (7,000) or eight thousand (8,000) persons, who could be favorably compared in their enterprise, industry, and law-abiding character with any people on earth.

I do not suggest the proper location for this military post, since the country in the vicinity of Pembina was not carefully examined; but it is quite certain that it should be placed near the Red River of the North, in order that it may easily communicate by water with, and be supplied for some time at least from, the post I have recommended near the mouth of the Sioux Wood River.

It would also be most desirable that the Territorial authorities of Minnesota should establish among the half-breeds of Pembina courts of justice and locate among them official persons, who should encourage the habits of life and forms of law of the people of the United States, and who should promote by all means in their power constant association with the Americans along the Mississippi. The location of these two military posts and the construction of good roads to connect the Red River of the North with the Mississippi are therefore matters which should engage the early and serious attention of the Government.

The settlements along the Red River of the North were made about the year 1812 by a colony of Scotch, English, and Canadian French, who were located upon a grant of land by the Hudson's Bay Company to Lord Selkirk, extending along both sides of the Red River to about the parallel of 47° north latitude. It was supposed at the time that the grant was contained in the possessions of the English, and the settlements were therefore made near the mouth of Red Lake River, or what is now called "La Grande Fourche," or the "Great Fork of Red River."

Large numbers of Indians being soon attracted to the settlement by the presence of so many strange people and the display of so many tempting articles for traffic, and many of the colony being at once induced to take to themselves Indian wives, in a few years the half-breeds who resulted from these connections amounted to several thousands. It was not until about the year 1820 that it was ascertained that these settlements had been made within the Territories of the United States; and as it became necessary for the traders who had settled among the people and who belonged to the English trading companies to remove their stores to some point within the British possessions, they forced all the people, who had by this time become dependent upon them for their goods and supplies, to break up their settlements and remove to points lower down on the Red River. They now extend along both banks of the river from the northern frontier of the United States to the entrance of the river into Lake Winnipeg, in latitude 51° north. In the difficulties which occurred between the Hudson's Bay and Northwest Companies the half-breeds took an active part, and many of them were killed and wounded in the numerous encounters between the agents of the companies.

Since the junction of the two companies they have lived altogether in the English possessions, and are completely under the control of the Hudson's Bay Company. They have no acknowledged head and are subject to no control beyond the influence of the English company, and are proud of calling themselves "*les gens libérés*," or "free people." By far the greater number of them are French, and they speak indifferently the language of their male or female ancestors. Their costume and manners are closely assimilated to those of the English traders, and they have no appearance whatever of the Indian, but more closely resemble their male ancestors. I speak from the experience acquired in the constant daily association with twelve of the French half-breeds who accompanied me in my long canoe expedition from Pembina to Fort Snelling, when I say that a more industrious and intelligent, subordinate, and law-abiding people I have never seen. Their active habits of life and the constant hardships to which they are exposed in their hunting, trapping, and voyaging expeditions have given an air of reckless and confident daring to every action, which is strangely fascinating.

They subsist almost entirely upon the dried buffalo meat, which is procured and prepared for use during their hunts in the autumn and summer. About the 10th of June the half-breeds of the Selkirk settlements join those of Pembina, and having elected some persons to manage their marches and the affairs of their internal police, they set out upon their hunt for the buffalo, which are only found within the territory of the United States. They observe with great regard and unwavering fidelity any agreements as to government which were made before starting, and are entirely submissive to the authority of those whom they have selected as leaders until the return of the expeditions, when everything like control is at once abandoned.

The greater portion of them own fine horses upon which to pursue the chase, and those who have none are provided for by permitting them to follow on foot the hunters, and, by assisting to cut up and prepare for use the slaughtered buffalo, to share the profits of the hunt. Some six or eight hundred of the small French carts, usually drawn by one ox or horse in the shafts, and capable of carrying eight hundred or one thousand pounds, are taken out by the hunters, and are loaded with their yearly supplies of provisions. The women and children always accompany the expeditions, the women being principally charged with the preparation of the dried buffalo meat and the manufacture of the "pemmican." This nutritious compound is made by cutting up and beating very fine the dried meat, packing it into bags made of buffalo skin with the hair outside, and pouring into it the melted tallow or marrow. Each of these bags, when filled, weighs about eighty pounds, and, as soon as the marrow or tallow becomes cold, is a solid mass of the richest and most nutritious character, and is of such consistency as to require the use of an axe to cut it up. It is either eaten as it is taken out of the bags or is cooked with the admixture of a little flour. It is very palatable, and from its exceeding richness but little is required to satisfy the appetite.

The half-breeds make all their long voyages and lakerious expeditions with this sole article of food; and they can march further, and with far less of baggage and supplies, than any people I have ever seen. They are brave and hardy, fine horsemen, and skilful marksmen, and would make the finest soldiers in the world. I suppose one thousand (1,000) men could be got together within five or six days by Government officers for any military purpose whatsoever. Opposed as is our northern frontier of Minnesota to the English possessions and to soldiers and agents of the English trading companies, a body of hardy and gallant men like these would, in the event of any difficulty of a national or local character, be most useful in sustaining the official persons of the Government who should be charged with administering the laws over that portion of the country. An effort was made to establish among them (what they greatly desired) some legal head who should be sustained by the Government of the United States; but, as I heard great complaints upon the subject of the arrangements which had been made, and as the whole party which accompanied me from Pembina made a remonstrance to Governor Ramsey, I presume they were much dissatisfied.

The petition made by them to the governor of Minnesota embraces, I believe, all their subjects of complaint, and all their wishes in relation to the solicited action of the Government. They complain, and very justly, that the English traders and their agents are permitted to invade with impunity the territory of the United States in large numbers, to carry off their supplies of provisions, to hunt and trap for the English companies within our borders, and, by the illegal use of ardent spirits, to produce bad feeling among the Indians toward American citizens, and to destroy almost entirely all the business and all the traffic of American traders. They further complain that, although the English companies make free use of the territories of the United States, the settlers of Pembina are not permitted to trade or hunt upon the English possessions, and that the troops at the English forts will, for such offenses or any other, invade the territory of the United States and carry off American citizens to Fort Garry for trial and punishment. They petition Congress to adopt some means of redress for such outrage and injustice; and as some speedy action will, I suppose, be taken upon the subject, I would respectfully suggest the propriety of establishing at once the two military posts I have recommended, to be garrisoned by forces now stationed at Fort Snelling.

The Pembina River has its source in the British possessions, about one hundred miles west of Pembina, and, intersecting the boundary line between the English and American territories about thirty (30) miles from the Red River of the North, it runs nearly parallel to the frontier to its confluence with the Red River. It is about thirty yards wide and three or four feet deep, is heavily timbered on both banks with oak, elm, ash, &c., and abounds with a berry much resembling the wild currant, and which is called the Pembina berry. The strip of land between the river and the boundary line is low, alluvial prairie, which, from its imperfect drainage and

the incessant rains which had been falling for some weeks previous, was quite wet and soft during our stay at the settlement.

The Pembina Mountain, as it is called by the half-breeds, is the northern terminus of the dividing ridge between the Red River and the Shaienne. Its geological formation I do not know, as I was not able to visit it before my departure from the settlement. It is said to contain silver ore in grains, but as no specimens could be obtained I judge the whole story to have been fabulous.

A good road along the left bank of the Red River connects the settlement of Pembina with the English forts, and is in constant use for the daily intercourse of the inhabitants. Large quantities of wheat and barley are raised by the people of the English colony, and potatoes and many other vegetables are of easy cultivation. Instead of using the water power so abundantly supplied by nature, the wind is altogether depended upon to work their gristmills, sawmills being unknown to the people. As I have before stated, the limestone is found at the falls of the Red River, a short distance below Fort Garry.

The Red River at the Pembina settlement is about one hundred and twenty-five (125) yards wide and sixteen feet deep, gradually diminishing in size until at its head of navigation, about five hundred miles by water above (south of) Pembina, it is not more than forty yards wide and four feet deep. Its banks are fifteen or twenty feet high, bold and steep from the water, and, without departing much to the east or west, its course is extremely tortuous. The east side of the valley has been represented to be in all respects similar to the west side as to soil and productiveness, but as possessing the decided advantage of being much more heavily timbered.

The country about Red Lake, about 90 miles east of the Red River, is said to be very fine, and settlements of Indians and whites are scattered along its banks. During our long march to Pembina, we were much struck with the extreme length of the days in the month of July. The twilight would last until ten o'clock at night, and the sun again appear above the horizon about 3 o'clock a. m. The exhibitions of the aurora borealis while we remained at Pembina were brilliant in the extreme, brilliant rays of light shooting up suddenly from the horizon to the zenith and the whole heavens illuminated in the most vivid manner.

Having procured the necessary supplies for their return, the dragoons marched for Fort Snelling on the 26th of August. I greatly regretted that I was unable to accept the kind invitations extended to me to visit the English forts, but my constant employment at Pembina, in making out maps and prosecuting my astronomical observations, rendered it quite impossible.

I can not conclude this imperfect description of the Pembina settlement without expressing my warmest thanks to the Rev. Mr. Belcourt, the intelligent and most excellent Catholic priest who resides there, for his great kindness and attention in furnishing me with the greater portion of the information concerning the half-breeds above given. This gentleman has done much to better the condition of this people by his self-denying residence among them, and has greatly advanced both their moral and temporal interests by instituting among them the ceremonies of religion, enforcing among them, by his influence, the forms of marriage, and by encouraging them to the best of his ability in making permanent settlements and depending for their subsistence upon the fruits of their agricultural labors instead of the uncertain spoils of the chase.

CAPTAIN POPE ASCENDS RED RIVER.

(Pp. 34-38.—August 26 to September 18.)

Birch bark canoe, mode of life and voyage.—Mouth of Red Lake rivers.—Riviere aux Marais.—Park River.—Big Salt and Turtle rivers.—Remains of settlements.—La Grande Fourche.—Goose, Elm, Buffalo, Shaienne, and Wild Rice rivers.—Arrival at mouth of Sioux Wood River.

I was well aware that the voyage would be long and uncertain, and that the season was too far advanced on account of our unfortunate delay for any unnecessary experiment, but I deemed this exploration of sufficient importance to justify me in running almost any risk to accomplish it.

I procured, through the kindness of Mr. Bellenden, the chief factor of the Hudson's Bay Company at Fort Garry, a birch bark canoe thirty-three (33) feet in length and five and a half (5½) feet in breadth, and which, when empty, was easily carried by two men. Having employed eleven French half-breeds as voyageurs and loaded the canoe with pemmican and dried buffalo meat sufficient for thirty days, I embarked on the 26th of August, 1849, and commenced the ascent of the Red River

of the North. Lieut. J. W. T. Gardner, of the First Dragoons, volunteered to accompany me on the expedition, and I am greatly indebted to his kind assistance for the astronomical observations for latitude and longitude which enabled me to fix with considerable accuracy the geographical positions of all the important points along the river.

When the expedition first reached Pembina, the incessant rains for weeks previous had caused all the rivers to overflow their banks; but when I embarked to ascend the Red River, it had subsided into its usual channel.

As I have already given a description of the valley of Red River, which, although very general in its character, embodies all the information I was able to obtain, I shall only say here that I have every reason to believe from observation that the accounts of the half-breeds in reference to the heavy timber found on the eastern side of the valley are strictly true. * * *

Page 35: After six days of constant labor we reached, on the 31st of August, 1849, the mouth of Red Lake River (La Grande Fourche), the largest tributary of the Red River of the North.

As I have before stated, this river discharges the Red Lake, which is distant by the river about one hundred and twenty (120) miles.

Between Pembina and the mouth of this stream the Red River has a uniform depth of fifteen feet from one bank to the other, with a soft, muddy bottom and no snags, sawyers, or overhanging limbs. It has a width of one hundred and twenty-five (125) yards between Pembina and the mouth of Red Lake River. During the six days occupied in reaching the mouth of this stream we passed successively the mouths of the "Two Rivers," of "Park River," of the "Riviere aux Marais" No. 1, from the east; "Big Salt River," the "Riviere aux Marais" No. 2, from the west; "Turtle River," "Riviere aux Marais" No. 3, from the east; and a small stream called the "Coulée de l'Anglais," from the murder of an English family on its banks while the country was in possession of the Hudson's Bay Company.

Of these rivers, the largest are the "Riviere aux Marais" No. 1, and the "Park," "Big Salt," and "Turtle" rivers.

They are about eighteen yards wide, and were about six feet in depth.

The remains of the English settlements are still quite perceptible at the mouths of Turtle and Red Lake rivers and at many intervening points.

The Red Lake River was about fifty yards wide near its mouth and fourteen feet deep, and has a much more rapid current than the Red River of the North. It has been often ascended in canoes to Red Lake, and is susceptible of navigation by barges or even larger vessels. The junction of Red Lake River with the Red River of the North is called by the half-breeds "La Grande Fourche," or the Great Fork.

On the morning of September 1 we left the mouth of Red Lake River, and continued the ascent to the Red River, which diminished to a width of one hundred yards and to a depth of fourteen feet. After passing the mouths of the numerous tributaries of the Red River from the east and west, the most important of which are the Sand Hill River, the Riviere aux Marais No. 4, Goose, Wild Rice from the east, Elm, Buffalo, Shayenne, and Wild Rice rivers, we arrived at the mouth of the Sioux Wood River on the 11th of September, 1849. There is little to be said of the river or of the country along its banks other than I have previously stated. A slight rapid occurs between the mouths of the Sand Hill and Goose rivers, but there were five or six feet of water upon it, and the current was not sufficiently rapid to retard our canoe. * * *

The tributaries of the Red River from the east are far more heavily timbered than those from the west, and as they overlap in all directions the wooded tributaries of the north Red River and Mississippi, it is easy to understand why the east side of the valley of the Red River should be more heavily timbered than the west side. * * *

Page 36: About ten miles below the mouth of the Sioux Wood River commences the heavy timber of the Lower Red River. A strip of open prairie, about thirty miles in length from northwest to southeast, and probably half that width, extends from a point ten miles north of the Sioux Wood River to a point about twenty miles east. The land route we pursued lies across this strip, which is by far the most indifferent land in the country. I ascended the Sioux Wood River about one mile and found a uniform width of thirty yards and depth of three feet.

The remains of many encampments of the Sioux Indians were found at and in the vicinity of the mouth of this stream. From Pembina to the mouth of Sioux Wood River the distance is about 417 miles, and in the whole of this distance the river is navigable for vessels of a draught not exceeding three feet and for at least four months of the year.

From Pembina to Red Lake River the depth is fifteen feet without shoal or impedi-

ment. From Red Lake River to Goose River the depth is thirteen feet, with a slight rapid near the mouth of Sand Hill River having a depth of water over it of five and a half and six feet. From mouth of Goose River to mouth of Shayenne, eleven feet; from mouth of Shayenne to mouth of Wild Rice River from the west, nine feet; from mouth of Wild Rice River to mouth of Sioux Wood River, eight, six, and four feet.

The banks are steep, in some places falling, and with no rock visible. The slight rapid near the Sand Hill River is occasioned by loose boulders in the bed of the river which could be removed at little or no expense. The current of the Red River below the mouth of the Sioux Wood River is about two and a half miles per hour. Above the mouth of Sioux Wood River it begins to change its character from a muddy, sluggish stream to the clear, bold appearance it presents where it breaks through what is called the Leaf Mountain.

On the 12th of September we left the mouth of the Sioux Wood River with the expectation of reaching, within four days, the Ottertail Lake. Above the mouth of the Sioux Wood the Red River takes the name of the Ottertail Lake River, and with a constant depth of water of four feet becomes much more tortuous in its course. As we approached the western and northwestern slope of the Leaf Mountain at the point where the river debouches from it into the level plain to the north, the current becomes sensibly more rapid and the water clearer until at about fifteen miles east of the crossing of the land route we found it necessary to use the cordelle. The banks became also much higher, with a tract of level, swampy land three-fourths of a mile in width between them, the river running from side to side through the swamp in the most serpentine manner. Small islands begin to be numerous and the steep banks are perforated in a thousand places with clear, cold springs. The woods along the banks became also much larger and more dense, oak being the more common tree. At about thirty miles above the mouth of the Sioux Wood River the rapids commence and are almost continuous to Ottertail Lake. * * *

NO. XII.

EXTRACTS FROM THE INDIAN OFFICE ANNUAL REPORT FOR THE YEAR 1849 OF HIS EXCELLENCY ALEX. RAMSEY, EX OFFICIO SUPERINTENDENT OF INDIAN AFFAIRS, MINNESOTA TERRITORY.

[Ex. Doc. 5, Thirty-first Congress, first session.]

THE OJIBWAYS' CONQUEST OF THE DAKOTA (OR SIOUX) NATION.

The name, thus originating in error, became naturalized among the French traders of the Northwest (and partly among the Indians), and it was in this way that Hennepin and others came to use it. This day the Chippewas occasionally, but not often, apply the word Na-da-wessy as a proper term for Sioux. The usual distinctive Chippewa name for Dakotas is Bevanacs (written by the French, Boinacs). In confirmation of this may be adduced to the fact that the revolted Dakotas, who now form a distant tribe to the extreme northwest on the borders of the American territory, they call Assinebwans—pronounced assenaybwans and ordinarily written Assine-boines—from the word assine, stones or rocks, and bwan, the name of the Dakotas, and meaning Sioux of the Rocks or Stone Sioux, the name having been given to them after their secession from the parent tribe, when they lived among the rocky ledges around the Lake of the Woods, which is the Assinepoulacs (lake of the Assinepouins) of the Jesuit map of 1681.

The historical traditions of the Dakotas are few and extend back but a comparatively short period. Those in regard to their origin and former residence are especially vague and obscure.

The Medewakantewans have one—that their fathers left the lakes around the head waters of the Upper Mississippi and removed to the region of the St. Peters, "because plenty of buffalo were there." They found the Iowas (called by them the Ho-wahs) occupying the land, and that they drove them from it.

In addition to this evidence of the former residence, warlike propensities, and customs of the Dakotas, or Nadawessi, we have a map attached to the "Relations" of the Jesuits, dated 1671, which locates the "Klistinous" (Klisteneaux or Krees) around and to the north of the Grand Portage and present Pigeon River, upon the north shore of "Lac Tracy or Superior" with a note at the Grand Portage that the Assinipoulac. Charlevoix speaks of this lake, as well as other writers of that time, who understood from the Indians that it was larger than Lake Superior. "The country of the Assinipois," he says, "is in the neighborhood of a lake which bears their name, with which we are but little acquainted."

From the concurrent testimony thus presented several conclusions may reasonably be deducted: That the Dakotas in the progress eastward had early possessed themselves of the country about the head waters of the Mississippi, amidst the lakes, abounding with fish and wild rice; that they there for a long time resided; and that as late as 1688, at any rate, and probably later, they still remained in that region, though it is evident a portion of them had moved down to about the falls and on the St. Peters (Minnesota) River, being attracted thither by "plenty of buffalo," according to a tradition of the Medewakan-twans. But the removal of this last-named band from their ancient seat at Mille Lacs was accelerated, it is to be presumed, by the migration of the Chippewas from the East and their occupancy of the southern shore of Lake Superior, which placed the villages of the Medewakan-stwans, "people of the mysterious lakes," in too close proximity to those of the hostile Rarat'wans, "people of the falls," (as the Sioux called the Chippewas), especially after the latter had established a great fishing village as far west as Chegoimegon Bay.

This irruption of the Chippewas, an Algonkin race, from the east or northeast, across the Straits of Mackinaw to the shore of Lake Superior, was the cause eventually of the removal of the Dakotas from around the head spring of the Mississippi, and the discovery of America may be considered the immediate occasion of the movements, advance, and retrograde of both the hostile tribes. But to comprehend the operation of this great event upon the Indians of this territory, changing their geographical positions and creating their wars, it will be necessary to take a general glance at the respective situations and character of all the Indian tribes at the close of the sixteenth and seventeenth centuries.

At this early period the numerous tribes included by the French under the term Algonquins and by a modern American writer (Mr. Schoolcraft) characterized as the Algic race, occupied nearly entirely the whole region between the Atlantic and the Alleghanies from North Carolina to beyond the Gulf of St. Lawrence; thence in a direct line to the Great Lakes, and northwest to Hudsons Bay, while on the southern line, from Pamlico Sound, they reached the Mississippi. The whole of these tribes, interior and Atlantic, were recognized as of one race, descended from a common stock, chiefly because they all spoke branches of one radical language, though each had local peculiarities of dialect and history, and were scattered in their geographical positions. * * *

It is easy to conceive that the tide of migration still continued to flow in from the East, and that the body strife existing between them and their western nadowessi (enemies), the Bwanacs, when Father Claude Allouez visited them in 1665, was afterwards from time to time renewed, until in the course of years it is probable the Dakotas became wearied with the constant warfare, which, from the still growing numbers and power of the Chippewas (who had the advantage besides in the early possession of firearms), promised to be unending as long as both remained in such close neighborhood to each other.

To this pressure against them from the East was added the attraction for them in another direction, in the better regions below and beyond, to the west, where there was "much buffalo."

The joint operation of these causes, no doubt, at length influenced the Dakotas to conclude on abandoning entirely as a residence the country of the extreme upper Mississippi, and made them determine on proceeding to conquer new homes toward the setting sun.

The migration, or invasion, accordingly took place; but at what period exactly we have no means of knowing. While it is probable Isanati or Medewakant'wans (who would seem to have been the first to move southward from their lakes, to avoid the troublesome Chippewas) remained on their then location about the Falls of St. Anthony, on both sides of the river, and for some distance up the St. Peters (from which they had driven the tribe of Howahs Iowas), and that the Warpekinates and Warpet'wans continued to occupy the country of the St. Peters, just beyond them—the present nomadic bands of the plains of the Missouri, the Sisit'wans, the Tit'wans, and the Shanket'wans, moved westward, like so many besoms of destruction, sweeping all before them. * * *

When the Dakota bands, now in the West, had thus abandoned or were driven from the Upper Mississippi, a large extent of country was left unoccupied, except by occasional hunting parties of the Chippewas or of the lower Dakotas.

It would seem that thereupon the indomitable Osaukies, with their allies, the Musquakies (Sacs and Foxes), who Hennepin in 1680, La Hontan in 1688, and Carver in 1766, found at the head of Green Bay, on the Fox River, and at the head of the Wisconsin (including the Kickapoose, a subband of the Sacs, who afterwards seceded and lived in the north of Illinois), took the opportunity to extend themselves into the vacated region; and in this connection Mr. Schoolcraft says of them:

"While resident at Green Bay they also occupied Lac du Flambeau, and extended themselves to Lake Superior, and southwest of its shores to the Sauk and Little Sauk rivers, above the Falls of St. Anthony."

They appear to have done this with the consent and alliance of the Dakotas; but the Chippewas forthwith renewed with the newcomers the war of possession previously waged so successfully against the Bwanacs (Sioux).

With the aid of the latter, "at first covertly given," the Saukies maintained possession of the "Rice lakes and midland hunting grounds," but they were finally overthrown in a general and bloody action at the St. Croix Falls by the combined bands of the Chippewas, led by Wahboojeog, the White Fisher, who descended the St. Croix by the Nunakagon branch. The Saukies made a resolute stand, but were overpowered and fled, and did not afterwards reappear in that region. "Among the slain several Sioux were found." Wahboojeog, or the White Fisher, who was the leader on the occasion, "it is said to have led out other seven expeditions against the same enemy, and died at Chegoimegon, on Lake Superior, in 1793."

Comparing this last date with that when Carver found the Sauk villages at the bend of the Wisconsin, in 1766, and this again with the fact that at the commencement of the present century they were living south on the Rock River of Wisconsin, to which they came about the period of our Revolution (according to both Majors Long and Marston), and also that the map of Lewis and Clarke's expedition, 1803, locates "three thousand Sacs" on the west bank of the Mississippi, between the lower Iowa and Turkey rivers, and we are enabled to draw the following conclusions: First. That the occupation of the "Rice lakes and midland hunting grounds" of the Upper Mississippi, by the Osaukies, was of but a few years' duration before they were expelled. Second. That the Chippewas continued the war until they forced them to abandon also their old homes on the Wisconsin and remove to Rock River, a portion of them afterwards going west of the Mississippi. Third. That the duration of their temporary occupancy of the ancient northern residence of the Dakotas was but about ten or twelve years, in the interval between the year 1766, when Carver visited them on the Wisconsin, and the year 1776, when they were driven down upon Rock River.

Pursuing the same train of reasoning, and at length, we can approximate to the time when the exodus of the Dakotas from the Upper Mississippi occurred, which, of course, was subsequent to 1671, the date of the Jesuit map before referred to, on which they are noted as then due west sixty leagues from Fond du Lac of Lake Superior, and was apparently prior to 1766 but a short time, for it is to be presumed that the Osaukies hastened to occupy the country as soon after the Dakotas had left as was possible.

About the year 1660, therefore, may be assigned as the date of the irruption of the Sioux upon the plains of the West—just one hundred years after the two white traders (first) wintered on Lake Superior and commenced the trade by which the Chippewas obtained the superior arms that gave them so immensely the advantage in the wars of the two tribes.

In this hundred years, also, the Chippewa Nation had doubtless greatly increased on Lake Superior, naturally and from the retrogression of its Eastern bands to the West. * * *

It is a feature, in this warfare, to be noted, that in nearly all the battles between the two tribes which have happened within the memory of living whites the Chippewas were almost invariably invincible when fighting in the woods and timbered country of the North, but that they quite as invariably suffered defeat by the Sioux when they descended into the prairies and open country to fight with them.

[NOTE.—I quite agree with the foregoing paragraph as true as between the full-blood Indian tribes, but it is not so when their mixed bloods participate in such battles, because the mixed-blood Indians, or Bois Brulez, so called, have been always recognized as the kings of the plains in warfares, as well as voyageurs, and would have cleaned out the Sioux, or driven them out much farther away from the Chippewa country, if they had not been stopped by the Rev. G. A. Belcourt, as in his letter of November 30, 1854 (accompanying Paper No. 33, herewith), he says:

"I must communicate to you also a decision of a meeting of the half breeds and Indians of Pembina County, held a few days before my departure for Washington, in which it was resolved that the next summer, after the first hunting trip, a party of war of about five thousand men shall go up the Missouri a little below Fort Mandan, and there separate. Two corps, on each side of the river, will come down the Missouri and put to death all living beings they will find in their way. This butchery I anxiously desire to stop, by coming here. Could I dare to submit to you a plan that could easily be effectuated by our Government, I would say that a company of dragoons or artillery permanently fixed at Pembina, with an authorization to the officer in charge, if necessary, to make a militia of the half breeds, to whom

munitions of war and arms could be furnished in time of service, would settle all difficulties, and it is probable that this necessity of arming them would never happen, for I am certain that as soon as our glorious flag, with its lively colors, will gaily float at the top of our fine Pembina Mountains, away far will vanish our mournful thoughts and jovial ones succeed them. A glance at it occasionally will revive us all.—J. B. Bottineau.”]

“1. The M'de-wakan'twan council-fire.”

This is pronounced Med-aywah-kawn'twawn, and is, I am informed, derived from the Dakota word M'de (Meday), a lake; wakan (wahkawn), spirit medicine, mysterious, and t'wawn, a village, or people, or community—meaning, therefore, literally, “Community of the mysterious lakes.” This name was probably given when they resided one hundred and fifty miles north of the Falls of St. Anthony, in vicinity of what the French have called Mille Lacs (thousand lakes), but which is the M'de-wakan of the Dakotas. A part of this band at the time had their village at the Knife Lake, in that region, and hence were called by their nation Isanati, people on or of the knife (pronounced Essah'ahtee), or Esson, meaning a knife. Another portion were known as the Matantonwan (pronounced Mawtahwant'wawn), meaning “Village or community on the Matah;” but where the Matah was, and whether lake or river, is at present unknown. Both of these distinctions or subdivisions are lost since their change of residence, and are equally comprehended in the designation of M'de-wakan-towwans, or people of the Mysterious Lake. The more western Dakotas on the Missouri still preserve the first designation in the word “Santie,” which they apply to the Mississippi brethren.

At what time the Medawakant'wans left their residence near Mille Lacs (now called by the Chippewas Mifisi-saigah-ing-ton, the “place where there are all sorts of lakes”) in the country immediately west of the Upper Mississippi, is uncertain. Father Hennepin speaks of the “Issati” as residing about the Falls of St. Anthony (the Irard, laughing water of the Sioux, and the Kikilikah, severed rock of the Chippewas), when he was there in 1680, one hundred and sixty-nine years ago.

Lahenton mentions, among the Indians living on the St. Peters (his “Long River”) in 1688, the Es-san-a-pis, which is nearly the pronunciation of “Isanati,” except the change of the letter t into p—an easy mistake for a stranger to the word to make when hearing it spoken quickly; and Carver, in 1766, using the French term for the Sioux, applies the name Naudowessies to the people he found inhabiting the region of the St. Peters and Falls of St. Anthony.

Thus, as far back as the period of the first explorations of the Upper Mississippi, the Me-de-wakan-t'wan band of Dacotahs held the region of country on both sides of the river, and for a short distance above the Falls of St. Anthony, in this Territory (Minnesota), until the treaty of September, 1837, when they ceded all their lands on the east side of the Mississippi to the United States, and removed entirely west of the river.

J. B. BOTTINEAU.

NO. XIII.

EXTRACTS FROM THE REPORT OF THE HON. ALEXANDER RAMSEY, SUPERINTENDENT OF INDIAN AFFAIRS IN MINNESOTA, DATED ST. PAUL, OCTOBER 13, 1849, GIVING AN ACCOUNT OF THE DIFFERENT TRIBES OF INDIANS AND THEIR ORIGIN.

[Vide pages 1035, 1030, Ex. Doc. No. 5, first session Thirty-first Congress.]

THE CHIPPEWA OR OJIBEWA NATION.

This tribe, next to the Sioux, is the most numerous and powerful Indian nation in this superintendency. It is the Algonquin tribe, of whose dialect, mythology, traditions, customs, and early history the public have been made most familiar, and for this reason it would be a work of supererogation to enter largely into those particulars in this paper.

They occupy both shores of Lake Superior, and the Ojibewas, who live beyond the Assiniboins, to the far northwest, and the Kisteneaux or Krees, who dwell beyond them again, are all branches of the same great people.

A recent writer correctly describes them:

“The Chippewas are small in person [this remark in regard to their size does not exactly apply to the woods Chippewas west of the Mississippi] and of a quiet and meek aspect. They have an indomitable spirit and a prowess that shrinks from no encounter; they are the Poles of the North, whose wont is to stand without regard to odds and fall every man on his track rather than fly.”

Migrating from the East late in the sixteenth or early in the seventeenth century, they first settled at the Falls of St. Mary, from which point they gradually passed westward, and eventually compelled the Dacotah Nation to abandon its ancient seat around the head waters of the Mississippi, whose rice lakes and hunting grounds the Chippewas at this day possess, and beyond to the Red River of the North.

They have participated in nearly all the wars of the Northwest; first as staunch allies of the French against the English, and then as allies of the latter against the United States.

For nearly three centuries, however, their principal warfare has been with the Dacotah or Sioux—an hereditary warfare on both sides—pursued in later times with varying success, the Chippewas being most generally victors in the woods, the Sioux as uniformly triumphing on their own plains. But the advantageous results of the contest have been altogether with the former, who have acquired by conquest and steadily maintained a beautiful and widespread territory.

Its extent was exhibited by the Indian peace treaty of Prairie du Chien in 1825, in which the Chippewas, Sioux, and other Indian nations of the Northwest participated (General William Clark and Lewis Cass being the United States commissioners). In that treaty the Chippewa territory is admitted by the Sioux and other tribes to comprise all the country north of a line beginning at the Plover portage of the Wisconsin River; thence to a point half a day's march below the falls of the Chippewa River; and thence running so as to about strike Red Cedar River, just below its falls, the St. Croix River, about thirty miles above its falls; then, between the Green and Eagle lakes, to Rum River, at Choking Creek, to the mouth of the Watab River, on the Mississippi up the Watab to its head lake; then to the head lake of Prairie River, on to Otter Tail Lake portage; through the lake to its outlet; thence in a straight line to strike the Buffalo River halfway from its source to its mouth; down that river to the Red River of the North; and descending said Red River to Outard or Goose Creek.

The vast tract of country comprised within these limits they acquired in a little over two centuries, wresting it from warlike and generally more numerous foes. * * *

THE METIS, OR HALF-BREEDS, OF THE RED RIVER OF THE NORTH.

The Indian agents in this quarter have before this called the attention of Government to the constant trespassing of the half-breeds from the possessions of the Hudson's Bay Company upon our territory, where they destroy immense numbers of the buffalo, thus depriving the half-breeds within our lines on the Red River of the North and our Indians of the proper and rightful provisions which nature has so bountifully provided nearly exclusively within the precincts of the American soil.

These half-breeds are of every imaginable cross of Scotch, English, French, Canadians, and Orkney men with Indian women, the latter, for the most part, Krees and Chippewas. They number in all quite ten thousand people, distributed in various settlements along the valley of the Red River of the North, which, beyond its widening at Lake Winnipeg, is termed Mackenzie's River until it debouches into Hudson's Bay. The main settlement is around Fort York, below Lake Winnipeg, and another considerable body are gathered around Fort Gary, at the mouth of the Assiniboine River, less than one hundred miles beyond the American boundary, while smaller settlements are to be found still nearer our lines, and at and above "Pembina," within them, is a growing settlement of the same people with a population of nearly one thousand souls.

A majority of the half-breeds are said to speak the French and Chippewa, but the English language is the parent or acquired tongue of a large proportion of them, and is spoken in many cases with all those modifications peculiar to the Scotch or other provincials of the British Isles. Judging from those I have seen, and from what I have heard respecting them, I consider these people to be a fine race, who for several reasons would make a desirable population for our northern frontier in both a local and national point of view.

They are large, strong, courageous, and inured to hardships, possessing much native intelligence, and only needed to be emancipated from the monopolizing rule of the Hudson's Bay Company to attain the best degree of social and intellectual refinement. To comprehend their character aright it is necessary to dismiss from the mind the ideas usually conveyed in some sections of the Union by the term Indian "half-breeds." Very different are the "Metis of the North," a superior race, who, partaking largely of the Anglo-Saxon blood are marked by many of its energetic and better characteristics. Instead of the vices, they appear to have inherited many of the more desirable traits and virtues of both their parent races.

They are industrious, provident, enterprising, honest, and ingenious, and are

reported to possess that preeminent trait of civilization—a proper care and treatment of their females.

The household manufactures thrive greatly among them. They are clothed with the garments peculiar to the European races, fabricated by their wives and daughters from the dressed skins of the animals of the chase, or honest homespun, the product of the domestic looms and spinning wheels; while English Manchester, and it may be American Lowell also, to some extent, contribute their fabrics to clothe and adorn both sexes.

In complexion they are little, if any, lighter than the Indian race, with some exceptions; for, having originally sprung from the intermarriage of white men with Indian women, they have had in their remote and isolated situation no opportunity, if they had desired or could have done so, to further lighten their hue by wiving with women of a purely white race, and in some cases, no doubt, have rather deepened it in their progeny by further intermarriage with Indians.

Hunting and agriculture form the principal pursuit of the half-breeds, especially the former. They have sheep, horses, and neat cattle; and the excellent quality of the two last is judged from the facts that some of the best horses and cows in this vicinity were brought from the Red River country, and that their oxen, harnessed in carts like horses, patiently journey, with heavy loads, day after day, from seven hundred to a thousand miles over trackless prairies, presenting almost unexampled powers of endurance.

The soil of the Red River region in this territory is described as "diluvial," covered with black mold three or four feet thick—a country of plains, almost without a hill—and that upon it crops of all the small grains, and nearly every garden vegetable, are easily produced, notwithstanding the high northern latitude.

Formerly, it is stated, the whole of the Red River settlements were inside of the American lines; but, on this fact being ascertained, the half-breeds were forced by the Hudson's Bay Company to follow their trading stations into the British Possessions, and from thence they use Minnesota Territory as their hunting and trapping grounds, drawing from it their entire revenues.

Their buffalo hunts are early every spring and in the fall. When the hunting season arrives they cross the line dividing the territories of the two Governments, every man with his horse and gun, and each family with an ox-cart (of these there are fifteen hundred), and travel several hundred miles within our borders, killing about "ten thousand bulls" and a "like number of cows" in the months of September and October. Each cart returns with about one thousand weight of "pemican," dried meat, tallow, dressed skins, and robes. For tallow and dried meat the Hudson's Bay Company pay two pence sterling per pound, in goods (or paper currency, payable sixty days after sight in London), and with these they provision their several posts. For robes they pay four shillings sterling.

A population of this character, making such devastation annually of the resources of our land, it is plainly our policy to exclude from it while they remain residents of a foreign soil. It would then become so decidedly their interest to remove into this territory, especially if other proper inducements are held out for their immigration, that it is not doubted the Pembina settlement, on our side of the frontier, would be increased to several thousand souls in a short time.

In this connection I have just received from the half-breeds of Pembina and Red River residing in our territory a memorial, signed by upward of one hundred of their number, of whom George Belcourt, missionary priest among them, says: "These are the names of the principal hunters, who have returned in advance of the main body, and they express the general and unanimous desire of all." They pray that Government may stop these incursions of British subjects upon our soil; that a military post for their protection may be erected in their country; that the United States laws and institutions may be extended over them, and that, by some understanding with the British Government, the Hudson's Bay Company's agents may be induced to cease the sale of spirituous liquors to the Indians near the boundary line. I trust this memorial may receive the favorable consideration of the General Government.

In conclusion, I am gratified to be able to report that the "regular traders" amongst all the tribes in this superintendency, so far as I have been able to learn, have been earnest in their efforts to advance and improve the condition of the Indians. Indeed, their own interest, if there were no other governing motive, would dictate this course of action, for the poorest customers of the licensed traders and those least desirable are the Indians addicted to ardent spirits. These may be pensioners on his bounty, but they have no industry to hunt, and consequently have nothing to sell or trade.

The curse of the Indian is the miserable creature in human form, the whisky

dealer, who is abominated by all good people in the Indian country, and who, loathed and despised, has not in his guilty soul the presumption to stand erect among others of his race. He locates himself in some out-of-the-way place, where he lures the Indian to his den, and, under the pretense of trade, robs him of his all—his horse, his gun, his blanket, and his senses; debasing him morally, socially, and physically, and frustrating every effort for his civilization, for his salvation, temporally and eternally. This man is not an Indian trader; by them he is as much despised as he deserves to be by all men of proper feelings and right principles everywhere.

In this view it is inexplicable to me that the British Government, which parades its morality and stretches its pretensions of benevolence all over the world, should countenance its agents of the Hudson's Bay Company in poisoning the Indian race for the purpose of trade, tempting even our Indians to resort to their factories and exchange their furs for ardent spirits, and sending also their agents within our territory to induce the Indian to sell his wild rice and winter's food for their cursed fire water. I have been informed that a British trader was seen within the last month or two in the American territory to the west of Lake Superior, purchasing, with "whisky only," wild rice from the Indians, wherewith to provision their posts; and on the extreme Upper Missouri the Indians have nearly deserted our trading posts for those of the British since the prohibition of the sale of liquor to them by this Government. The memorial of the American half-breed of Red River is likewise evidence of the participation of the Hudson's Bay Company in this guilty traffic. If the British Government much longer permits this species of demoralizing trade, so destructive to the Indian race, national hypocrisy will cease to be without a synonym.

All of which is respectfully submitted.

ALEX'R RAMSEY.

ST. PAUL, MINNESOTA TERRITORY, *Oct. 17, 1849.*

The foregoing reports, while brief, give ample evidence of the fact that the movement of the Chippewas from the East towards the setting sun was a successful one, as they not only drove out the Sioux from the section of country ceded to the United States by the Chippewas by various treaties, but also took possession of the 10,000,000 acres which they claim at the present time by virtue of centuries of possession, holding it against all intruders until the United States made forcible entry thereon.

NO. XIII.

EXTRACTS FROM REPORT OF THE TREATY MADE WITH THE PEMBINA INDIANS, AT PEMBINA, BY ALEX. RAMSEY, SEPTEMBER 20, 1851.

Governor Ramsey, in his report dated St. Paul, Nov. 7, 1851 (Ex. Doc. 2, p. 284 to 288, 1st session 32nd Congress), in relation to the treaty he had made Sept. 30, 1851, under act of Congress Sept. 30, 1850 (9th Statutes, page 556), after speaking of the treaty he had negotiated with the Sioux, says:

"On the 28th of August reached the first tributary of Red River—the Bois des Sioux—which, like the St. Peters, has its source in Lake Traverse. This was the first stream we met too deep to ford, and we crossed it by rafting. Here our course changed, bending strongly northward, until we reached the Cheyenne River, the largest and most important western tributary of the Red River within the borders of the United States. This we were fortunate in being able to cross by a bridge made by the Red River trading caravan last spring. Our course of travel from this river was nearly due north; and at length, on the evening of Sept. 11, we encamped on the south side of Pembina River, at its mouth, where the waters of the famed Red River of the North first met our view. The next day was occupied in ferrying over the Pembina River to the village and trading post of the same name opposite, where we found the Indians and half-breeds claiming the country assembled in large numbers awaiting our arrival, a special messenger having conveyed intelligence to the former some time previously of the purpose of the Government to meet them there in council, by its commissioner, to offer them terms for the relinquishment of their lands. Having appointed Joseph Nolin and the Rev. James Tanner, the latter a half-breed Chippewa, interpreters, it was ascertained that some of the principal men were not yet arrived; and to give time for them to be present, at the request of the Indians, the opening of the council was delayed until Monday following, the 15th.

"Meanwhile the half-breeds claimed to be made parties to the negotiations, and to participate in the council, alleging that it was they who possessed the country really, and who had long defended and maintained it against the encroachment of enemies. But on the policy of the Government and the impracticability of its trading with its own quasi citizens being explained to them, they were satisfied that their demands could not be complied with, and were made further contented by the assurance that to any just or reasonable arrangement or treaty stipulation the Indians might choose to make for their benefit the Government would interpose no objection.

"On Monday, therefore, the council was opened, and continued from day to day throughout the week. On Saturday, the 20th, a treaty was signed, by the terms of which a country embracing about 5,000,000 of acres in the valley of the Red River of the North was acquired for the very reasonable sum of \$230,000 nominally; but, considering the manner of its payment, through a period of 20 years, without interest, it may be fairly estimated to cost but about \$100,000, or at the rate of two cents per acre. Low as this is for lands fertile as those of Illinois, and as capable of settlement as any in this territory, it is not improbable the Indians might have been induced, under the pressure of their necessities, to part with them for a much less sum had the representative of the Government thought it consistent with its dignity or honorable to its humanity to insist upon making the best bargain with poor, ignorant savages it was possible to obtain. I conceived, on the contrary, that, while restrained by my instructions, as well as inclinations, from paying an extravagant price for lands which, however fertile, are remote from the country paths of emigration, yet that, as the guardians of these people—'our children,' as they termed themselves—we owed them forbearance, kindness, charity; and that so far from taking advantage of their ignorance of the relative value of the land and the money, we should act in a liberal spirit when adjusting the price to be paid for their country, and give them enough to subsist on now, and enable them to improve hereafter.

"It was in this spirit I acted; and finding that the whole number of Indians at Pembina and Red Lake did not exceed 800 souls, and aware from experience in Indian payments and annuities that \$10 per head was as little as would do them any substantial good, enabling them each to procure a blanket for protection from the severities of a northern winter, if nothing more, I did not deem it right to insist on reducing their annuity below that mark; at the same time, however, it was deemed expedient to set off a portion of their country, to the amount of \$2,000, for agricultural and educational purposes. As their hunting ranges are circumscribed by our purchasing their land and filling it with settlers, it is plainly a necessity, as well as our beneficent policy, to gradually school the race into different modes of thought and action, aiding them to substitute the improvements of civilization and the certainties of an agricultural life for the rude discomforts of a savage and the precariousness of the hunter's condition.

"It will be observed that no part of the annuity is to be paid in goods, experience in later years having taught us that cash annuities are, in the end, more beneficial to the Indian, and, in this instance, the cost of transporting goods to so distant a point would have imposed upon Government, annually, an additional burden, perhaps equal to the sum of the original purchase.

"To satisfy the half-breeds—the actual occupiers of the country—the Indians desired \$30,000 might be paid in hand, to be mainly turned over by them to their relatives of mixed blood; and as the claim of the half-breeds for remuneration in this case appeared to have unusual force, I did not think proper to object to the arrangement, deeming it justly and fairly their due. Besides fixing the price and mode of payment, I deemed it my duty, in adjusting the other details of this treaty with the Chippewas, to keep in view the same leading feature of the Government policy which dictated many of the stipulations of the Sioux treaties at Mandota and Traverse de Sioux, to wit, to induce their early adoption of the habits of civilized life as their only guarantee against utter extinction at a not very remote period, as well as the only effectual means of lessening the cares of Government with regard to them. The first step towards bringing about this desirable result was unquestionably to put a final stop to their old hereditary war with the Sioux.

"But it was apparent that so long as their territories adjoined these tribes would have constant pretext for hostilities in alleged or actual encroachment on each other's lands. It was considered, therefore, important in determining the boundaries of the new purchase that the lands thereby acquired on the east side of the Red River should connect on the south side with the country recently ceded by the Sioux. This, with much difficulty and opposition from the Indians, was accomplished, though nearly at the risk of effecting no treaty at all, they alleging the injuries they had received from the Sioux, and contending that they ought not be 'fenced in,' as they termed it, from the opportunity of retaliating. I regard this as one of the most desirable features of the treaty.

"To facilitate further the grand leading object before mentioned—namely, their civilization—it has been a favorite scheme of Government to collect the scattered bands of Chippewas both east and west of the Mississippi and concentrate them in the country about the heads of that river. Here they could be permanently settled for all time to come, their lands being entirely unsuited and undesirable for white occupation. Here Government could deal with them as one people; easily restrain them from war, remote, as they would be, from all opportunity of engaging in it, and merging all annuities received by isolated bands into a common fund, and the lands claimed by each band into a common property of the nation, the work of civilization and improvement could then proceed with some reasonable hope of success. In furtherance of this scheme the article was inserted which provides for the union of the bands—parties to this treaty—with other bands of Chippewas, and for holding all lands and annuities in common whenever the United States shall secure from the latter a reciprocal arrangement. Not more than 300 Chippewas roamed beyond the western boundary of the present purchase, and it is thought it would not be difficult to induce them to unite with the rest of the tribe whenever it is concentrated in the manner proposed.

* * * * *

"In conclusion, it will not be out of place to say a few words respecting the quality of the land purchased, and the reason why the treaty should receive the sanction of the President and the Senate. In 1849 a party of dragoons, commanded by Major Wood, and accompanied by Capt. Pope, of the topographical engineers, visited Pembina, traversing the valley of the Red River of the North, in the heart of which lies the country purchased by this treaty. Capt. Pope, in his report (page 6), thus speaks:

"The valley of the Red River of the North is about 300 miles in length from north to south, and 150 in breadth from east to west, and is bounded on the west by the dividing ridge between its waters and those of the Missouri, called the "Coteau des Prairies;" on the east by a line from the head of Red River through the most northern part of Red Lake. In this whole extent it presents an almost unbroken level of rich prairie, intersected at right angles by all the heavy timbered tributaries of the Red River from east to west, the Red River itself running due north through its center, and heavily timbered on both banks with elm, oak, maple, ash, &c. This valley, from its vast extent, perfect uniformity of surface, richness of soil, and supply of wood and water, is among the finest wheat countries in the world.

* * * "The principal tributaries from the "Coteau des Prairies" are the Wild Rice, Shayenne, Elm, Goose, Turtle, Park, and Pembina rivers; almost all these streams are navigable in the spring and summer fifty or sixty miles for flat boats, and probably in high water for vessels of much larger draught, and are well timbered with elm, oak, ash, &c. With their tributaries and the smaller streams which flow into Red River they intersect the valley at distances of ten or twelve miles apart, and although on the west side of the river the greater portion of the country is level prairie, I am satisfied a sufficient quantity of timber can be found for all the uses of cultivation.

* * * "The east side of the valley, I have been informed by the half-breeds who have traversed portions of it, is equally fertile with the west side, and is much better timbered. My own observation of the country, so far as it was passed over in our route to and from Pembina, and all the information we could obtain from those acquainted with the valley, fully sustains this description. No finer country exists anywhere in the Union, and few capable of sustaining a denser population. All the cereal grains and vegetables are produced in abundance, and for grazing purposes it is nearly unrivalled in its advantages.

"But though the quality of the country is thus favorable as could be wished, its remoteness from the ordinary track of emigration would long have postponed its purchase had not a powerful reason for its acquisition existed in the necessity for giving the large and rapidly increasing half-breed population of that distant region the opportunity they crave of obtaining a fee-simple title to the lands they live upon, and of abandoning the hunter life entirely and becoming tillers of the soil.

"Ever since the organization of this Territory and my residence in it the people, by frequent petitions and by special committees despatched hundreds of miles to represent their condition, have earnestly urged upon the Government to give them the opportunity of making homes for themselves in their own lands, to grant them the protection of our laws, and furnish them with the facilities for the administration of justice among them. Made by our statutes citizens, represented in the Territorial legislature, they complain that they have been uncared for by Government, treated with less attention than even the Indians, standing in the false attitude of tenants at will, as trespassers upon the soil they often defended with their blood

from savage foes. It is, I earnestly urge, the duty of Government to do something for this interesting and peculiar people; and, as a beginning, to throw the country open to their enterprise and industry by confirming the present treaty.

"Their peculiar situation demands even further favor from Government, situated as they are on a remote frontier, which they may be said to guard, and invaluable in a military point of view should a certain exigency ever occur. Themselves and the region they live in present a case similar to that of Oregon Territory, in which the free gift of a quarter section of land to each person would be a judicious policy, and I respectfully recommend its adoption to the consideration of the President and Congress."

"ALEXANDER RAMSEY.

"Honble. A. H. H. STUART,
"Secretary of the Interior."

GOVERNOR RAMSEY MAKES A FURTHER REPORT.

NOTE.—In the report of his as Superintendent of Indian Affairs, under date November 3, 1851, to the Commissioner of Indian Affairs (Ex. Doc. 2, vol. 2, part 3, 1st session 32d Congress, pp. 411–426), on page 425 of the report, he mentions the making of the treaty with the Pembina Indians, and gives the boundary lines of the territory ceded by them under its provisions, which nearly covers the territory now claimed by the Turtle Mountain Indians.

NO. XIV.

SEESSE TOAN AND WAH PAY TOAN CEDED ALL THEIR LANDS IN IOWA;
ALSO ALL THEIR LANDS IN THE TERRITORY OF MINNESOTA.

By treaty concluded at Traverse des Sioux, July 23rd, 1851 (10 Stats., 949), Article II ceded their country lying east of the following lines, to wit:

Beginning at the junction of the Buffalo River with the Red River of the North; thence along the western bank of said Red River of the North to the mouth of the Sioux Wood River; thence along the western bank of said Sioux Wood River to Lake Traverse; thence along the western shore of said lake to the southern extremity thereof; thence in a direct line to the junction of Kampeska Lake with the Tchan kas an data, or Sioux River; thence along the western bank of said river to its point of intersection with the northern line of the State of Iowa; including all the islands in said rivers and lakes.

A reservation was set apart for them within said cession on the Minnesota River. Among the chiefs and head men of said bands of Sioux Indians who executed said treaty was Wee tchan h'pee ee tay (the Star Face, or the Orphan), a kinsman of my paternal grandmother through her father, a captive Sioux boy raised and adopted by my paternal grandmother's grandfather, and chief of the Chippewas of the Lake of the Woods bands, commonly known as La Bande de Murtrier, and who, with others of that family and kinship, were frequent visitors of my grandmother and my father's family while we lived at what is now St. Paul, Minnesota, during the years 1840 until 1844, inclusive, and since at St. Anthony Falls, Minnesota, until 1855, when my father removed to Bottineaus Prairie, now Osseo, Minnesota.

During all of said period my father and family were closely affiliated with Med ay wa kan toan bands of Sioux Indians through Wee tchan h'pee (the Star), the head man and brave of Chief Ma h'pee mee tchash tay (Man of the Sky), chief of said Medaywakantoans Sioux. This head man and brave was my father's comrade, which is, according to the customs and traditions, a relationship adopted by and between the Indians, and is considered and respected fully as the word "comrade" implies. He was also a constant visitor of my father and family.

NO. XV.

THE MIXED BLOOD OR HALF-BREEDS.

The half-breed and full-blood Chippewa Indians, about whom gross errors have been committed by the agents of the Government in endeavoring to show that the half-breed Chippewas are mostly, if not all, British subjects, I desire to call attention

to a letter addressed by the Rev. G. A. Belcourt, V. G., to the Commissioner of Indian Affairs, dated at Washington, D. C., November 20, 1854 (vide House Ex. Doc. 1, vol. 1, part 1, pp. 278-280, 2d session 33d Congress), being one of the papers, No. 24, accompanying the annual report of the Commissioner, which is as follows:

HONORABLE SIR: According to your suggestion, I will forthwith submit to you the requests, complaints, &c., that are the object of this long journey to the seat of the Government.

Two years ago a petition signed by over one hundred chiefs and great men of war had been addressed to the President of the United States; but having received no answer whatever, they have been inclined to believe that their request had not reached the President's Cabinet. In consequence of hearing of my intention to come to Canada, a deputation of them came and besought me to come so far and to represent viva voce, to whomsoever it would become convenient, their griefs and demands, which are these:

1st. The ground on each side of the Red River of Minnesota, being now very poor in furs, and the aforesaid wishing that their relations, the half-breeds, could be firmly settled among them at Pembina, they earnestly desire that their lands may be purchased by the Government; that the said half-breeds might have a feudal right on each of their lots, and that this treaty may be made as soon as possible, the sooner being the better.

2d. They complain against the Hudson's Bay Company and the British subjects, who come two or three times every year over the line, being four or five weeks each time, hunting about on the Indians' hunting grounds, to the great detriment of the Indians, particularly in the fall. When the Indians have made a choice of winter quarters, from the appearance of the buffaloes being abundant, then the British half-breeds would come, hunt, load their carts, and set to flight all the buffaloes, leaving behind them our Indians in starvation and despair.

3d. Now, for my part, I will complain, in the name of philanthropy, of this mean and inhuman traffic in intoxicating liquors of the Hudson's Bay Company. Our laws in regard to liquors not to be introduced on the Indian lands are well observed on the part of our traders among the Pembina Indians, but the importation of rectified spirits by the Hudson's Bay Company this year is one-third of their whole importation. This rum is to be sold by their emissaries to our Indians whenever they find them over the line, by this way of conduct impoverishing and demoralizing our Indians, frustrating our traders of the produce of our country, and rendering useless the philanthropic laws that the wisdom of our Government has promulgated for the welfare of our Indians. Nothing but an agreement between the two Governments could put a stop to that ever-cursed branch of commerce. For the sake of humanity, my dear sir, do use your credit to shut that door of misery and hell.

4th. Moreover, as commissioned from the half-breeds of Pembina County, numbering over two thousand, I have to humbly represent that, being American citizens and so recognized in our territory, we invoke the protection of the Government against the encroachments of the Hudson's Bay Company and British subjects on our Territory. We earnestly appeal to that part of the Constitution that gives to every citizen the privilege of being protected against the encroachments or insults of the strong.

I have to remark, also, that this—the third—year that we are greatly annoyed by Sesiton Sioux coming when our settlement becomes weak by the absence of hunters. The first year they killed an American and wounded another man; this year they took away more than thirty horses and killed an American woman from the window in her very house. All this is done by night or when hidden from our sight. Ten men of this kind, that we can never see, can cause as much uneasiness as ten hundred of them that we could face. The consequence is that everyone suspicioning every bush of containing an enemy would not dare to go afar, nor to take care of their fields, and so, their corn and potatoes being neglected, their crops are reduced to one-half of what they might have produced.

This can not fail to discourage our settlers, who till now have trusted, and yet are trusting, on a prompt and efficacious protection. Thousands of half-breeds were decided to emigrate from Selkirk settlement to our side of the line, who are detained by this uneasy state of things. As soon as the Government takes an official step to protect our rights, they at once will all come over the line and make the oath of allegiance, for they all dislike the Hudson's Bay Company's dealings.

5th. I must communicate to you also a decision of a meeting of the half-breeds and Indians of Pembina County, held a few days before my departure for Washington, in which it was resolved that the next summer, after the first hunting trip, that a party of war, of about five thousand men, shall go up the Missouri a little below Fort Mandan, and there separating in two corps, on each side of the river, will come

down the Missouri and put to death all living beings they will find in their way. This butchery I anxiously desire to stop, by coming here. Could I dare to submit to you a plan that could easily be effectuated by our Government, I would say that a company of dragoons or artillery permanently fixed at Pembina, with an authorization to the officer in charge, if necessary, to make a militia of the half-breeds, to whom munitions of war and arms could be furnished in time of service, would settle all difficulties; and it is probable that this necessity of arming them would never happen, for I am certain that as soon as our glorious flag, with its lively colors, will gaily float at the top of our fine Pembina Mountain, away far will vanish our mournful thoughts, and jovial ones succeed them. A glance at it occasionally will revive us all; no Indian nor British will dare insult us any more; and thence we will soon become so strong that, far from it, every one of them will be glad to be let alone. I then earnestly beseech you to operate this. Why could not our Government keep troops there on the boundaries as well as the British Government does? Pembina is the only door of the immense basin of the Hudson's Bay, the entrance of which by sea can hardly be operated once a year, and even this can not be relied upon. As soon as our Government has put a foot here, and given a leave of transit for the goods of England to pass free through the States, then the roads shall be made easy, and people will immigrate by thousands from all parts in our extremely healthy climate and fertile land.

6th. I will at last represent to you, my dear sir, since I have an opportunity that I probably will never have again, that six years ago I founded three schools at Pembina—one French, one English, and one in the Indian language—poor as I am. I had a great deal of privations to impose on myself in order to face these expenses. Last year, for the first time (for which I have to express to you my sincere gratitude), I received five hundred dollars. Could I expect the continuation of the same assistance from our Government? If it were not presumptuous on my part I would ask you if I could humbly beg some further assistance for building a house for instruction, the old one being too small. I have consecrated my life and soul to the welfare of these poor people, and, knowing how kind our Government is and how fatherly disposed towards them, this makes me free to address you candidly.

Would to God that this long and expensive voyage be useful to them and to our Government's rights and honor.

With a due respect, your humble servant,

G. A. BELCOURT, V. G.

P. S.—Your express request could alone embolden me to write in English; excuse, then, my improper expressions, and do mercifully correct them.

Please honor me with a word of answer, whatever it may be, when discussions are over.

G. A. B.

Hon. G. W. MANYPENNY,
Commissioner of Indian Affairs.

NO. XVI.

RELATIVE TO THE REMOVAL OF TRESPASSERS FROM THE TURTLE MOUNTAIN RESERVATION.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, July 6, 1893.

SIR: I am in receipt of a letter dated June 16, 1893, from United States Indian Agent John H. Waugh, Devils Lake Agency, Fort Totten, N. Dak., inclosing a communication dated May 29, 1893, from thirty-two Indians, composing the business committee of the Turtle Mountain Band of Chippewa Indians, in which they represent that they labored faithfully to help the recent commission to make the agreement for the settlement of their affairs on a just basis and one which would be in line with the views of the Department; that the commission recognized as the first step necessary the elimination of the foreign Indians and people not entitled to be considered as Turtle Mountain Indians; that this resulted in the striking off of the rolls of 512 individuals by the commission; that some of the people thus stricken off resided away from the reservation, but there are thirty-five claims in the reservation still occupied by them; that although the notice given by Agent Waugh for them to vacate has been posted for some time they have remained and put in crops; that these people occupy land that is needed by those who have a right to be on the reserve, and cut down

their timber, live on them, and are a disturbing element; that the intruders feel enraged at the course taken by the committee and jeer at them because no active efforts have been made to remove them, and assert that they will not vacate unless compelled to do so by force; that the committee feels that it is due it, for the interest it has taken and the help it gave the commission, that some action be taken looking to the removal from the reservation of the people who have no right to remain; that the committee also feels that delay in the past has been the principal cause of the complications existing in the affairs of the Turtle Mountain Indians, and that further delay will only add to the difficulties. The committee therefore urges prompt action in the agreement made with the Government in October, 1892.

In his letter transmitting the foregoing communication Agent Waugh states that the signers constitute the committee appointed to assist the agent and the late commission in determining who were the American Indians on the Turtle Mountain Reserve; that the statements contained in said communication are facts within his own knowledge, and he believes something should be done to remove those Indians who are not entitled to remain upon the reservation; that they were notified by him to remove in April last by order of the Commissioner of Indian Affairs, but they have not obeyed the order, and he did not deem it advisable to do anything further in the matter unless instructed to do so by the Department; that as long as these Canadian Indians are allowed to remain on the reserve it will be impossible to do anything for the civilization of the Indians who belong there, and it will be impossible to remove them except by the assistance of United States troops.

For the information of the Department respecting the matter under consideration it is stated that the Turtle Mountain Band of Chippewas occupy a reservation of two townships in the extreme northern part of the State of North Dakota, which reservation was set apart by Executive orders dated December 21, 1882, March 29, 1884, and June 3, 1884.

The location of these Indians so near the international boundary has been a fruitful source of disorder among the Indians, resulting in constant embarrassment to the office. With a view to the removal of such source of disorder and embarrassment, a commission was appointed on the 4th of October, 1890, under the provisions of the act of Congress approved August 19, 1890 (26 Stats., 354). It was made the duty of said commission, first, to make an accurate census of the Indians for the purpose of determining who should participate in the negotiations; second, the selection of a new reservation for these Indians, and, third, the settlement of their claim for payment for a large tract of land which they claimed by right of original occupancy.

The report of said commission showed that, the census having been taken, it appeared from the summary thereof that the total number enumerated as belonging to the band at that time was 2,327, including full and mixed bloods on and off the reservation. The commissioners referred to the great difficulties in the way of making anything like an accurate census of the Turtle Mountain Indians, owing to their affiliations with and relationship to the British Indians and the seeming impossibility of separating them. Touching this subject the commissioners (Mahone's commission) submitted a statement, which is quoted fully as follows:

"Many of them trace their ancestry to the Red River hunters, who were so numerous and powerful in northern Dakota thirty-five or forty years ago. Military officers of that time state in reports that they frequently saw from 3,000 to 4,000 of those people camped together on the buffalo ranges near Devils Lake, or 'Minnewakan,' as the Indians called it. They wandered north and south in pursuit of game, without any reference to an international boundary line. Their nearest church was at St. Boniface, and the nearest important trading post was at Winnipeg. Their children were in most cases baptized at St. Boniface, and nothing suggested at the time the importance of distinguishing between American nativity and British allegiance. Indeed, through the Hudson Bay Company, Great Britain had pushed her claims far south of the present boundary line. This was particularly the case in the Red River Valley.

"In view of these facts it must seem superogatory to draw attention to the extreme difficulty of preparing at Turtle Mountain a census of only genuinely American Indians—Indians to whom British affiliations may not by some record or other means be ascribed, as, for example, the baptismal record at St. Boniface. As showing an additional difficulty in the way of doing so, it may be stated that the Turtle Mountain extends northward for about 20 miles into the British possessions. In the nature of a high table-land, and covered with a light and straggling growth of pine, persons so posed may unobserved pass to and fro, entering British territory or returning from it almost at will.

"In short, referring particularly to the Turtle Mountain Chippewas, they should be

given a hearing before some impartial magistrate, with power to call witnesses and take testimony before passing on the question of whether they are American Indians or not—before denying or prejudicing any legal rights they may have as Americans by nativity or adoption. *Prima facie*, at least, those whose names were enrolled on the census list are American Chippewas. To rule otherwise on *ex parte* evidence would do violence to the common sense of right. Proper respect for the consistency of our judicial economy demands for them their 'day in court' in cases where their rights as Americans are in controversy. It has never been found profitable to drive a hard bargain with the Indians or to take advantage of their inexperience and comparative helplessness. The enumerators were instructed to exercise great care in taking names for the census. They were told not to enroll any person with reference to whose right to membership in the band they had reasonable ground for doubt. The commissioners believe that they followed the instructions given them and exercised care in doing their work."

The report of the commission further showed that it wholly failed in securing the removal of the Indians to another reservation and the settlement of their claim against the Government.

A clause in the act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1893, and for other purposes (27 Stats., 139), provides as follows:

"That the President of the United States is hereby authorized to appoint a commission to consist of three persons familiar with Indian affairs, not more than two of whom shall be of the same political party, who shall negotiate with the Turtle Mountain Band of Chippewa Indians in North Dakota for the cession and relinquishment to the United States of whatever right or interest they may have in and to any and all land in said State to which they claim title, and for their removal to and settlement upon lands to be hereafter selected and determined upon by the Secretary of the Interior upon the recommendation of the proposed commissioners, subject to the approval of Congress. Said commissioners shall also report to the Secretary of the Interior the number of the said Chippewa Indians and the number of mixed bloods, if any, who are entitled to consideration by the United States Government; and the sum of six thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of defraying the expense of the proposed negotiations."

The commission thus provided for having been duly appointed by the President, the office letter of instructions to said commission, dated August 19, 1892, made it its duty (1) to make a careful census of the members of the Turtle Mountain Band entitled to consideration at the hands of the United States Government; (2) the consent of the Indians of the Fort Berthold or some other reservation to consent to the reception of the Turtle Mountain Indians to live with them; (3) to negotiate with the members of the Turtle Mountain Band for the cession and relinquishment to the United States of whatever right or interest they may have in and to the land in North Dakota to which they claim title, and (4) to negotiate with said Indians for their removal to and settlement upon lands to be subsequently selected.

The report of said commission, dated December 3, 1892, showed that it effected an agreement with the Indians on October 22, 1892; that in 1891 a committee of 16 mixed and 16 full bloods had been elected by the band to look after its interests, and especially the matter of ascertaining who were American Indians and members of the band; that said committee being composed of many of the oldest inhabitants of the Turtle Mountains, who were fully acquainted with the people, were naturally of great assistance and were therefore requested by the commission to be present and assist in taking the census; that this committee had already stricken off the list as previously fixed by the former commission (2,327 names) some 522 names; that the commission then went over the list of names remaining after this number had been stricken off, and, with the entire committee, first struck off all those whose American tribal relations were considered by any member of the committee as being in the least questionable; that it then went over the remaining names carefully and made a list of those who were unquestionably American Turtle Mountain Indians; that a list was then made of all persons whose names were stricken off the rolls, whether by the committee or by the commission, and copies of said lists were posted in conspicuous places throughout the reserve, and also read at the churches, and special notice sent through the Indian police to individuals who had not been present at these places; that accompanying said lists was a notification that the commissioners would hear the application of anyone who desired his or her name reinstated; that a large number of cases were heard, and with few exceptions their claims were rejected; that after a number of cases had been disposed of the others (whose conditions were about the same as those rejected) refused to present their cases, whereupon the com-

mission completed the census and found that those entitled to rights on the reserve numbered 1,759.

The agreement reserved to the Indians the two townships in which they are now living, comprising 46,080 acres of land, of which about 13,000 acres only are suitable for agricultural purposes, the balance being woodland interspersed with small lakes.

The commission was unsuccessful in its efforts to induce them to move, or to secure another reservation for them. The agreement also included a proviso that the Indians should be paid \$1,000,000 for the relinquishment of their claims to land in North Dakota. By office report dated January 6, 1893, the said agreement was transmitted to the Department with a draft of bill to ratify the same, but it was not acted upon by Congress.

By affidavit dated November 21, 1892, Messrs. Francis Dufont, Leon Lafrenerer, Peter Paul, John B. Bercier, Napoleon Bercier, and Rev. J. F. Malo swore that they know of their own personal knowledge that in August, 1882, Francis Dufont, Leon Lafrance, Peter Paul, sr., John B. Bercier, Napoleon Bercier, Corbet Bercier, William Bercier, Moses Bercier, Hyacinth Bercier, Peter Paul, jr., Solomon Paul, and Joseph Bercier made settlement upon land in township 162 north, range 10 west, in Rolette County, N. Dak., before said township was set apart for an Indian reservation; that they settled upon said land in good faith and made valuable improvements thereon by building houses, etc.; that the Government has heretofore never interfered with said claimants, but on the contrary has encouraged them, as shown by letter hereto attached, marked Exhibit A;¹ that since the action of the recent commission the Indians on the reservation have told them that they must move off and cut no wood for any purpose from the land except for fuel; that claimants wish to know what, if any, rights they have upon the said land, and that they be either allowed to remain upon their said claims or be paid for their improvements thereon.

The letter referred to by the affiants is a letter from this office, dated March 30, 1885, and is to the effect that it was not the intention to disturb settlers who had located and made improvements upon any of the lands now embraced in the Turtle Mountain Reserve prior to the date of its establishment; that the purpose of making said reservation was mainly the protection of the Turtle Mountain Indians to secure lands upon which they might be severally located; that it was not believed that they were then sufficiently advanced in civilization to receive lands in severalty, and it was the intention to hold the reservation for their common use and occupancy even if the tracts which are claimed to have been settled upon prior to the establishment of the reservation had been excepted by the Executive order creating it; that title could not then be acquired by the claimants for the reason that the townships in question had never been subdivided, and the lands were therefore not subject to entry; that if settlers who had located in good faith upon lands within said reservation prior to the order creating it desired to continue in possession of their respective tracts with a view to entering them whenever they become subject to disposal, if at all, they would not be interfered with as long as they faithfully observed the intercourse laws and abstained from improper interference with the Indians, but that no one who had settled on the two reserved townships since the date of their withdrawal for Indian purposes would be allowed to remain.

Under date of May 4, 1892, Agent Waugh was telegraphed as follows:

"Continue, with aid of Indian committee, the work of determining who are improperly enrolled, weeding out Canadian Indians and mixed bloods not entitled, and submit result to this office, with full report. If necessary to avoid serious disturbance, issue seeds to all those heretofore recognized."

By letter dated April 10, 1893, Agent Waugh inclosed a copy of an order issued by him March 28, 1893, to the farmer in charge at Turtle Mountain, the said order being as follows:

"According to my construction of the wishes of the Department, none but American Turtle Mountain Indians are to receive any of the seed grain or anything else purchased for the use of the Turtle Mountain Indians, and the Indians or mixed bloods now living on the reservation who have been proven to not be Americans must vacate as early as possible in the spring."

Agent Waugh asked approval of this order, as it would be to the advantage of the Indians who belong there to have these Indians removed from their midst.

It will be observed from the foregoing statements that there are 1,759 Indians on the reservation who properly belong there; that the reservation contains only about 13,000 acres of agricultural land and 33,080 acres of wood land, interspersed with lakes; that when allotments come to be made this will give each Indian entitled thereto about 7.38 acres of agricultural land and 18.80 acres of wood and water. It

¹ See No. C hereof.

is manifest that if the foreigners and intruders at present located upon the reservation are permitted to retain possession of the lands claimed by them it will considerably reduce the already small figures representing the acreage to which the Indians will be entitled.

It will be observed, also, that of the 512 persons dropped from the rolls, most of them reside off the reservation, but that there are 35 claims in the reservation still occupied by them.

It is no doubt important to the Indians that action looking to the removal of these intruders be taken, but it may be questioned whether any particular good would result from their forcible removal until the more important question of the ratification of the pending agreement be finally settled.

I have thought best, however, to submit the matter to you for such direction, if any, as you may see fit to give in the premises.

The pending agreement with the Turtle Mountain Indians and the correspondence on the subject are published in House Ex. Doc. No. 229, Fifty-second Congress, second session.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

NO. XVII.

(Refer in the reply to the following: L, Devils Lake, M., 2341.)

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 4, 1881.

JAMES McLAUGHLIN,

United States Indian Agent, Devils Lake, Dak. T.

SIR: This office is in receipt of your letter of November 17 last, reporting a visit to your agency on October 23 last of a delegation of some thirty-seven members of the Turtle Mountain Band of Chippewa Indians, at which time they handed you a written statement, which you inclose, of their grievances and wishes, all growing out of the unsettled condition of their affairs.

In reply, and having in mind other recent correspondence upon this subject, I have to say that it is the desire of this office to encourage these people in their laudable efforts to secure a permanent home where they may settle down to agricultural pursuits, and to so dispose of the major part of the large area of country claimed by them as shall enable them to provide themselves with implements, tools, and other necessities to a new departure.

It is also the wish of the office to defer to their expressed desire to settle in the vicinity of the Turtle Mountain, and so far as is known there is no objection to the selection of a reservation there for them.

In a memorial of these people dated February 21, 1876, presented to the Forty-fourth Congress, praying for the segregation and confirmation of a certain tract of their land to them, and that certain provisions be made for their protection, they ask that a reservation be set apart for them, to be located and bounded as follows:

"Beginning at a small lake in the foothills east of the Turtle Mountains and on the boundary between the United States and the British Possessions and running thence due south fifty miles; thence due west sixty miles; thence due north fifty miles to the boundary between the United States and the British Possessions, and thence along said boundary to the place of the beginning."

The main object of this communication is to ascertain whether any change in their conditions as they then existed has taken place to render desirable the selection of other lands than those above described for the permanent location of these people, or change in the boundaries thereof.

You will therefore make an investigation with a view to the ascertainment of the present needs and wishes of these Indians in the selection of a permanent reservation.

It is desirable to know, approximately at least, the number of Indians now scattered over the territory claimed by them who could be gathered upon a reservation as proposed, and whether the tract herein described by boundary lines is sufficient in extent or larger than their wants require for agricultural purposes.

It is the desire of the Department to reach a settlement of their difficulties that shall be to the advantage of these people, and an encouragement to habits of industry, and it is to this end that you are called upon for such information and suggestions as will enable the Department to act intelligently in the premises.

It may be stated here that these Indians are not warranted in laying claim to the territory immediately west of the Red River of the North, for by the treaty of October 2, 1863, made at the Old Crossing of Red Lake River, these lands were ceded to the United States as far west as a line from the Place of Stumps, otherwise called Lake Chicot, to the head of the main branch of Salt River; thence north in a direct line to a point where such line would intersect the international boundary between the United States and the British Possessions. This treaty was signed by Little Shell, the principal chief of the band represented by the delegation of Indians that recently called upon you at your agency.

Attention is drawn to this matter for the reason that in the memorial of these Indians hereinbefore referred to, and in the paper now presented as well, they make the Red River of the North the eastern boundary of their claim.

Very respectfully,

E. M. MARBLE, *Acting Commissioner.*

NO. XVIII.

UNITED STATES INDIAN SERVICE,
Devils Lake Agency, March 15, 1881.

HON. THOMAS M. NICHOL,
Acting Commissioner of Indian Affairs, Washington, D. C.

SIR: In accordance with instructions contained in office letter "L," of February 4, ultimo, and referring to my reply of the 19th of same month, I have the honor to state that on the 4th instant I met in council at St. Joseph, Pembina County, Dakota, 9 of the principal Indians and 24 mixed bloods of the Turtle Mountain Band of Chippewas, and obtained a full expression of their wishes in relation to the desired reservation and the approximate number of Indians belonging to the bands that would be likely to avail themselves of the privileges of such reservation, and the following is the substance of my interview and conclusions reached from my investigations:

First. They claim to number about 1,000 full-blood Indians and 1,500 mixed bloods of the bands claiming the country in northern Dakota lying west of the treaty line of 1863. A majority of these people are now leading nomadic lives, following the buffalo from year to year, and are scattered throughout Dakota, Montana, and the adjacent British Provinces. They at first claimed a much greater number, but after understanding the relations existing between themselves with the Crees and Assiniboines (which they seem to wish excluded as a portion of the people), they concluded that the above figures would be about the number of their own people who could be brought upon a reservation and settled down to agricultural lives. In connection with this I would state that I have made diligent and persistent inquiry to ascertain as nearly as possible their correct number, and from the most reliable sources (intelligent white men, formerly traders among them, who have known them for the past thirty-five years) I am fully convinced that their number will not be less than 500 nor more than 600 full-blood Indians and about 1,000 mixed bloods of the same bands. There are, however, many other mixed bloods of the Cree and Assiniboine Indians, who are blood relations of the Pembina and Turtle Mountain Band of Chippewas, who desire to be recognized and will try to be admitted to membership in the bands in order to share in the benefit accruing from the cession of the lands in question by the establishment of a permanent reservation for the claimants, and to this point I will call especial attention, as the Crees are Canadian Indians and their mixed bloods, many of whom are living in the neighborhood of St. Joseph and Pembina, Dak. T., have each received 160 acres of scrip from the Canadian government in the Province of Manitoba.

Second. Referring to the tract of country desired for a reservation, the mixed bloods were in favor of the Pembina Mountain district in Pembina County, but the full-blood Indians were unanimous in desiring a reservation at Turtle Mountain, bordering on Mouse River and the Province of Manitoba. Their choice for a reservation is: Beginning at the eastern intersection of the international boundary by the Souris or Mouse River; thence east 60 miles along said boundary line; thence due south 20 miles; thence due west, parallel with the international boundary, to the Mouse River; thence northward along the east bank of Mouse River to the place of beginning. From the point where such southern line would intersect the Mouse River the river trends considerably to the northwest; the distance would therefore be about 40 miles from such eastern point to its intersection with the Mouse River along this southern line, and such reservation would contain about 1,000 square miles (640,000 acres), and would comprise the whole of Turtle Mountain that lies in the

Territory of Dakota. This mountain is 34 miles from east to west on the international line and 20 miles from the boundary to its southern extremity. It is well timbered with oak and poplar of medium size, and the prairie country surrounding it is excellent agricultural and grazing land.

In connection with the chosen reserve I would state that while the country at Turtle Mountain is well adapted for agricultural purposes, still proximity to the Province of Manitoba is a very serious objection to the establishment of a permanent reservation there. It is certainly desirable that no portion of an Indian reservation should border upon a foreign country, and the one selected by these people having 60 miles of frontier lying directly along the international line would, in my opinion, be detrimental to the service and annoying to an agent and highly objectionable for international reasons. To qualify this assertion I would state that the Turtle Mountain Chippewas, having been in the employ of the Hudson Bay Company (hunting and trading) for generations, are by habits and associations more in sympathy with the Canadians than with our own people, and a reservation for them bordering along the British possessions, their affiliations and relations are such as would at once lead to an illicit trade that would be difficult to suppress, which would certainly be prejudicial to the best interests of the Government and the Indians, as a reservation at that point would afford a refuge for fugitive whites, a rendezvous for renegade Indians, and offer such inducement for illicit trade that the advancement of the Indians would be greatly retarded thereby; and it is but reasonable to believe that the Indians could not be so successfully managed and controlled at such point as if entirely surrounded by American territory and citizens of the United States.

Third. In view of the foregoing facts and being desirous to see the Turtle Mountain Indians well and favorably located and their unceded country opened for settlement, I would respectfully recommend the segregation of a tract of land lying in the bend of Mouse River, which southern point is about 80 miles north of west from this agency (Devils Lake Agency), and about 60 miles south of the international boundary. I have no personal knowledge of the district of which I speak, but from information received from whites, mixed blood, and Indians who have visited the place and are familiar with its resources, I have a very general knowledge of it, as all agree in pronouncing it a very fine section of country, with good soil, excellent water, and sufficient timber for all practicable purposes.

The Mouse River, coming into Dakota from the British possessions, flows from northwest to southeast, running about 100 miles through Dakota in this direction, and then makes a wide bend, forming a regular semicircle, passing back into Manitoba, leaving the most southern point of the bend about 60 miles south of the boundary line, as before stated. At the point where the fourteenth standard parallel would intersect the Mouse River (about 20 miles north of the most southern point of the river and 40 miles south of the international boundary) the distance across the bend would be about 40 miles from where the river flows south to the point where it runs north. This entire bend of Mouse River is well timbered on both sides of the stream with an excellent growth of oak timber, which timber is considered as among the best in northern Dakota, and, with the exception of a few sand hills near the eastern bend, the country is level and soil of the best quality.

This stream contains large quantities of fish, which, for a home for Indians, should be taken into consideration, and the peculiar bend of the river would form a natural boundary on three sides and leaves only the north line to be defined by suitable monuments. I would therefore suggest the propriety of setting apart for the proposed reservation the tract of land comprising the bend of Mouse River extending north 20 miles from its southernmost point. This would give a reservation of about 500 square miles (320,000 acres), and would, in my opinion, be ample for the claimants, who would be less liable to be interfered with than if having a larger reservation than they actually require. However, should it be deemed better to reserve a larger tract than this, the line could be extended farther north 10 miles and still leave about 30 miles intervening between its northern limit and the international boundary.

In conclusion I would state that some of the Indians of the Turtle Mountain Band of Chippewas who are living in Dakota that I have recently met are in a very destitute condition. The game having nearly all disappeared from this country, they can not subsist longer by chase, and are therefore in need of some assistance, and are in a disposition to try a new departure if some assistance was now rendered them. There is one thing certain, however, they will never consent to leave this country entirely, and if not granted a permanent home upon some portion of their unceded Dakota lands, where they can not be disturbed by white settlers, they will remain nomads, living upon the bounty of others. The only hope, therefore, for bettering their condition is to gather them upon a reservation, and under the fostering care of the Government industry and thrift will undoubtedly replace their present careless indifference.

I would furthermore state that the rush of emigration to this great wheat-growing region, northern Dakota, is such that these unceded lands will be largely overrun by whites the coming summer, and the best timber tracts will most assuredly be occupied by squatters within the next six months, then dissatisfaction and uneasiness will correspondingly increase, and I would therefore respectfully urge early action in the matter, and with a view to facilitate such action, in case it should be decided, to call a delegation of the interested parties to Washington, thereby causing less delay. I here give the names of the most reliable and influential members of the bands living in Dakota, viz, Little Shell, Mis koo Penise or Karkajan, As si mer Kee jik, Baptiste Nilkie, William Dease, and Little Bull.

Thinking that a list of the leading men might be necessary in case of delegation being needed, especially during the talked of extra session of Congress, the necessary legislation could be obtained. I have therefore deemed it best to submit the above list, and I trust that this report will be of assistance to the office in concluding a settlement with the interested parties.

I have the honor to be, sir, very respectfully, your obedient servant,

JAMES McLAUGHLIN,
United States Indian Agent.

NO. XIX.

EXECUTIVE ORDER FOR A RESERVATION EMBRACING THE TURTLE MOUNTAIN.

This reservation was selected so as to include within its boundaries the homes of individual Indians who had made settlement for permanent and future homes. Some of those selections upon the Turtle Mountain had been in the individual occupation of the Indians as homesteads for generations, on which they had built houses, &c., and cultivated corn, &c., which order may be found on page 280, report of Secretary of Interior, vol. 2, part 5, H. R. Ex. Doc. 1, first session 48th Congress. It is as follows:

DAKOTA.

Turtle Mountain Reserve.

EXECUTIVE MANSION, Dec. 21, 1882.

It is hereby ordered that the following-described country in Territory of Dakota, viz: Beginning at a point on the international boundary where the tenth guide meridian west of the fifth principal meridian (being the range line between ranges 73 and 74 west of the fifth principal meridian) will, when extended, intersect said international boundary; thence south on the 10th guide meridian to the southeast corner of township 161 north, range 74 west; thence east on the 15th standard parallel north to the northeast corner of township 160 north, range 74 west; thence east on the 15th standard parallel north to the northeast corner of township 160 north, range 74 west; thence south on the tenth guide meridian west to the southeast corner of township 159 north, range 74 west; thence east on the line between townships 158 and 159 north to the southeast corner of township 159 north, range 70 west; thence north with the line between ranges 69 and 70 west to the northeast corner of township 160 north, range 70 west; thence west on the 15th standard parallel north to the southeast corner of township 161 north, range 70 west; thence north on the line between ranges 69 and 70 west to the international boundary; thence west on the international boundary to the place of beginning, be, and the same is hereby, withdrawn from sale and settlement and set apart for the use and occupancy of the Turtle Mountain Band of Chippewas and such other Indians of the Chippewa tribe as the Secretary of the Interior may see fit to settle thereon.

CHESTER A. ARTHUR.

TURTLE MOUNTAIN COUNTRY IN DAKOTA.

In order to still further show the action taken on the subject, I ask your attention to the following extract, taken from the report of the Commissioner of Indian Affairs, embraced in Secretary Teller's report to Congress (vide Ex. Doc. 1, part 5, vol. 2, vol. 11, 1st session 48th Congress, pp. 38, 39, under the head of "Turtle Mountain Country in Dakota"):

"Under date October 4, 1882, the Department directed the General Land Office to

take such steps as might be necessary to revoke the action by which that vast area of country lying north and west of Devils Lake, in Dakota, heretofore claimed by the Turtle Mountain Band of Chippewas, had been withheld from the practical operation of the settlement laws, and to restore the same to the public domain, subject to the restriction, however, that if there were any Indians who had made improvements or had attempted to make permanent location on any of said lands, such Indians should be protected by having their lands withheld from white settlement until they could have an opportunity to secure title thereto. By this action a tract of country estimated to contain over 9,000,000 acres was thrown open to white settlement. Subsequently (on December 21, 1882) a tract in the vicinity of Turtle Mountain, embracing an area of about 32 miles from north to south by 24 miles from east to west, was withdrawn from settlement by Executive order, the main purpose being to secure lands upon which the Turtle Mountain Band might be severally located, either upon tracts already improved by individual Indians or upon lands to be allotted. For this object Congress by act of March 1, 1883, appropriated the sum of \$10,000. Steps have been taken to have the public surveys extended over said reservation, with a view to the early settlement of the Indians as proposed.

"In fulfillment of a promise of the Department made to the delegation of Turtle Mountain Indians who visited this city last winter, Special Agent Cyrus Beede recently made a visit to the Turtle Mountain country under special instructions from the Bureau. He found the full-bloods of the band, numbering, as he believes, not over twenty-five families, unprepared and altogether disinclined to take lands in severalty, preferring to have a small reservation retained for them permanently. The half-breeds, on the contrary, are anxious to secure individual homesteads. As near as he could ascertain in the absence of boundary marks, the latter are for the most part living outside the limits of the reservation along its eastern line, where, it appears, they are making good progress in opening farms, building houses, &c., some of them being very well to do. Inasmuch as it is the desire of the full-bloods to have a small reservation retained for their use in common, I deem it advisable and therefore recommend that two townships of their present reservation be retained as a permanent reservation for those who do not desire to take homesteads. The half-breeds and any full-bloods who may have settled upon and improved individual tracts are protected by the instructions of the Department to the General Land Office before mentioned, and at the proper time will be assisted in securing permanent title to these lands." * * *

TURTLE MOUNTAIN RESERVE.

Second Executive order reducing the area of the reservation to two townships (vide Report Secretary of Interior to Congress, Ex. Doc. 1, part 5 (vol. 2), vol. 12, 2d session 48th Congress, p. 297):

EXECUTIVE MANSION, *March 29, 1884.*

It is hereby ordered that the tract of country in the Territory of Dakota withdrawn from sale and settlement and set apart for the use and occupancy of the Turtle Mountain Band of Chippewa Indians by Executive order December 21, 1882, except townships 162 and 163 north, range 71 west, be, and the same is hereby, restored to the map of the public domain.

CHESTER A. ARTHUR.

A third Executive order was issued June 3, 1884, amending the above order, substituting township 162 north, range —, for township 163 north, range 71 west. (Vide same vol. and page as order No. 2.)

NO. XX.

Among the many reports showing the condition of those Indians and the treatment they have received during the last 30 years, it has been made known to your Department, and is of record in the Indian Office, which has been apparently treated as "dead matter," I cannot but call your special attention to that of the Right Reverend W. D. Walker, of North Dakota (who is now a member of the board of Indian commissioners), to General Clinton B. Fisk, then chairman of the board of Indian commissioners, date at Fargo, N. D., December 30, 1887. (Vide Report of the Secretary of the Interior for 1887, vol. 11; Ex. Doc. No. 1, part 5, V. 2, pages 935 to 939, 1st session 50th Congress.) In speaking of the Turtle Mountain Reservation the bishop says:

TURTLE MOUNTAIN RESERVATION.

"This reservation has been reduced to two townships. About one-third only of the land is arable. When the area of the reservation was diminished some of the best land was taken. * * * There are upwards of 300 full-blood residents. The half-breeds number more than 700 people. They are of the Chippewa tribe.

The condition of this band of red men is forlorn indeed. The game which has been their sustenance in the past has virtually been obliterated. The land is largely untillable. The rations which the Government provides are only sufficient to keep them on the ragged edge of starvation all the time. Four pounds of pork per month and 15 pounds of flour for the same period for each individual is the amount of food they receive. This is all. If a white man was reduced to such a ration, I imagine life would have few charms for him. And this is the benevolent provision of the United States Government for its wards—peaceable, loyal wards, too. Large tracts of land have been taken from them and settled by white men. They have seen funds for these same lands poured into the United States Treasury and they have received nothing but this beggarly pittance from month to month. It is a fact that during the winter before last some of these poor people, in order to keep body and soul together, devoured carrion, dead dogs, and dead mules. * * * The marvel is that, in their wretchedness and their hunger and in absolute despair, they have not risen and revenged themselves in some way. But they have been, and are, preeminently a peaceable, inoffensive people. If they had shown their teeth somewhat I wonder if their condition would not be very materially better to-day? * * * Is it not true that this nation aims to treat best the aborigines which have taken most scalps of white men and have shown themselves most bloodthirsty and malignant? Is this either grateful or Christian? * * *

I can not close this report without emphasizing the fact that this band of Indians have been neglected, and, as I think, greatly wronged. It seems to me that it is the duty of the Government to make a just settlement of their claim to large tracts of land taken from them, for which they have received no compensation whatever. * * * They are a worthy people. Justice, I think, demands that we should show them more consideration and care, and that, as well as some other tribes less noble, they should have fair play.

Respectfully submitted.

WILLIAM D. WALKER.

Hon. CLINTON B. FISK, *Chairman*.

NO. XXI.

In further support of the claim, I invite the attention of the honorable Secretary of the Interior to the following decisions and letters, viz: 1st. Letter from the Honorable H. Price, Commissioner of Indian Affairs, to the honorable Secretary of the Interior, dated Office of Indian Affairs, Washington, D. C., February 14th, 1882; also letter from same to same, dated March 11, 1882; both these letters may be found on pages 2, 3, 4, 5, and 6, H. R. No. 1144, 1st session 47th Congress, by Mr. Deering, M. C., from the H. R. Committee on Indian Affairs, submitted to accompany H. R. bill No. 1885, 1st session 47th Congress, which reads as follows:

FIRST LETTER.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 14, 1882.

SIR: I have the honor to acknowledge the receipt, by your reference for report, of a letter dated December 29, 1881, from Lieut. H. M. Creel, of the Army, addressed to Hon. William Windom, of the Senate, who, in referring the same to the Department, requests that he may be advised whether any action touching the lands therein referred to is desirable, and, if so, what legislation would, in the view of the Department, be expedient.

The object of the writer, Lieutenant Creel, appears to be to secure legislation looking to the extinguishment of the Indian title (which he claims is very imperfect at best) to a vast area of country lying in the northern part of the Territory of Dakota.

As showing, very briefly, the view held by this Bureau in respect of the status of these lands, and the condition and needs of the Indians occupying and claiming them, I beg leave to quote from my annual report to the Department for the year last past (1881) as follows:

"TURTLE MOUNTAIN BAND OF CHIPPEWAS IN DAKOTA.

"The unsettled condition of affairs with these Indians has long been a matter of deep concern, not only to the Indians themselves, but to this Bureau as well. Prominent among their troubles is the uncertainty on their part as to the view held by the Government relative to the status of the lands claimed by them, and the purposes of the Department in the matter of their ultimate disposal.

"The tract of country inhabited and claimed by them is north and northwest of Devils Lake, in Dakota, and is estimated to contain 9,500,000 acres. These lands have never been ceded to the United States, and the claim of the Turtle Mountain Band to ownership is based upon continuous occupation by them and their ancestors for many generations. That the Indian title to the country in question has never been extinguished or successfully disputed can not be denied, and according to the theory that has been adopted by the Government it would seem that these Indians have all the original rights in an unceded territory. Effort has been made from time to time to remove them to the White Earth Reservation in Minnesota, but they have steadfastly resisted such removal, lest the abandonment of the country claimed by them might be looked upon as a willing relinquishment of their title thereto.

"The condition of these people is deplorable in the extreme; they have no permanent abiding place, are very poor, and, owing to the scarcity of game, which indeed may be said to have almost entirely disappeared, they have only the most scanty means of subsistence. Last year the agent at Devils Lake Agency reported that Chief Little Bull and his people were in great danger of actual starvation. Immigration is fast flowing into the country, to the great discomfort of the Indians, and they desire and have repeatedly asked protection from the Government. That their condition requires the attention of the Government is manifest. Petitions have been presented from both sides, Indians and whites, asking for a settlement of their difficulties, and I propose to make the matter the subject of a special report, with a view to securing early Congressional action looking to their permanent relief.

"I will add that the number of Indians roaming about over this vast area, homeless, destitute, and almost hopeless, is variously estimated at from 500 to 600 full-bloods and from 1,000 to 1,500 half-breeds.

"The press of business incident to the assembling of Congress has prevented me thus far from submitting the proposed report relative to the affairs of these Indians, but I gladly seize the opportunity presented in the request of the honorable Senator for information to submit such facts (in addition to the above) and suggestions as will, it is hoped, meet his purposes and be sufficient as affording a basis for appeal to Congress for such legislation as the circumstances would seem to require."

The Pembina Band of Chippewas (of which the Turtle Mountain Indians are a part) have for a long time laid claim to the country hereinbefore referred to.

It appears from the minutes of the treaty of October 2, 1863, with the Red Lake and Pembina Indians, at which time they made a large cession of territory to the United States, that in executing said treaty the Pembina bands retained for themselves a tract of country north and northwest of Devils Lake. In this connection Hon. Alexander Ramsey, who negotiated said treaty on the part of the Government, in his report submitted at the time, says: "The Pembina Band, who subsist by buffalo hunting, also retain for themselves a tract of country claimed by them, embracing some of the favorite pastures of that animal north and northwest of Devils Lake."

In 1876 the Turtle Mountain Indians addressed a memorial to Congress praying for the confirmation of their title to these lands, and that some provision be made for their protection, in which their claim was set out as follows:

"Your memorialists, the Turtle Mountain Band of Chippewa Indians, respectfully represent that they and their fathers for many generations have inhabited and possessed, as fully and completely as any nation of Indians on this continent have ever possessed any region of country, all that tract of land lying within the following boundaries, to wit: On the north by the boundary between the United States and the British Possessions; on the east by the Red River of the North; on the south their boundary follows Goose River up to the Middle Fork; thence up to the head of Middle Fork; thence west-northwest to the junction of Beaver Lodge and Cheyenne River to its head waters; thence northwest to the head waters of Little Knife River, a tributary of the Missouri River, and thence due north to the boundary between the United States and the British Possessions.

"That their possession of this country has never been successfully disputed by any of the neighboring or other tribes of Indians, but has at all times been recognized as the country of the Turtle Mountain Band of the great Chippewa Nation, of which the three Chippewas, Little Shell, grandfather, father, and son, have been principal chiefs for the last fifty years, and that they have never by general council, by their chiefs,

or by any authorized delegates entered into any treaty with the United States by which they ceded any portion of their possessions."

* * * * *

It may be well to state here that if any of the Sioux tribes ever claimed this country all such claim was relinquished by the treaty of April 29, 1869 (Stat. 15, p. 635), the second article of which, after defining the boundaries of their reservation, provides as follows:

"And henceforth they will, and do hereby, relinquish all claims or right in and to any portion of the United States or Territories except such as is embraced within the limits aforesaid, and as hereinafter provided."

(The subsequent provision does not necessitate a modification of the above statement.)

There is an evident error in the foregoing memorial in respect of the eastern boundary of their claim, for by the treaty of October 2, 1863, before referred to, the Chippewas (including these people) ceded to the United States all the territory owned and claimed by them in Dakota east of a line running in a northeasterly direction from the eastern shore of Devils Lake to the head of the main branch of Salt River; thence due north (a little east of the 98th degree west longitude) to the British possessions.

The above description is not that given in the treaty precisely, and is only approximately correct, yet it is deemed sufficient to the present purpose.

The boundaries of the unceded Indian country claimed by the Pembina Chippewas, and recognized by this Bureau to the extent indicated in report to Department quoted from in the beginning of this letter, are marked, with approximate accuracy only, upon the map herewith inclosed. As has been seen, its area has been estimated at 9,500,000 acres. As a portion of their original claim was taken for the use of the Fort Berthold Indians it is not likely that it will now exceed 9,000,000 acres.

It is not at all probable that this territory will ever be needed by the Government for Indian purposes. The Indians now occupying and claiming it do not need more than one-twentieth part thereof, and I am firmly convinced that the entire tract, except, say, 500,000 acres, which should be retained in a compact body for them, should be sold for the benefit of the Turtle Mountain Indians and their brethren now at the White Earth Agency, who should be held and deemed to be as much entitled to share in the benefits arising from such sale as they, the Turtle Mountain Band.

It seems to me that these Indians are justly entitled to the recognition of their claim on the part of the Government to the lands in question, and the files and records abound in evidence showing that this office has long recognized such claim.

Not very long ago (in April, 1880) a draft of a bill was prepared here and submitted to the Department, in which it was provided, among other things of like character in respect of other Indians, that "negotiations shall also be extended to and include the Turtle Mountain Chippewas of Dakota for the extinguishment of their title for a certain sum to the unceded lands claimed by them in said (Dakota) Territory;" and a bill has been introduced in the present Congress (by Mr. Washburn, H. R. 3862, introduced February 2) having an object similar to the one just referred to, in which I find precisely the same provision.

In both of these bills it is provided that these Indians shall be consolidated with the other numerous bands of Chippewas upon the White Earth Reservation.

As has been said before, these Indians are unwilling to remove to the White Earth. They appear to be greatly attached to the country so long occupied by them, and they desire to have lands, with a permanent title thereto, somewhere in the vicinity of the Turtle Mountain. It is therefore unlikely that they will consent to so much of the measure as contemplates removal and settlement upon said reservation.

In view of the foregoing I would suggest to the honorable Senator (Windom) the propriety of asking Congress for authority to negotiate with the Pembina Band of Chippewas, and such other Indians as should properly take part in such negotiations, for the cession of all the territory claimed by them in Dakota (except a tract sufficiently large to secure to them allotments in severalty for their permanent settlement, the location thereof to be hereafter determined). And as a suitable compensation for such cession I would recommend that there be paid to them annually the sum of, say, \$50,000 for the period of twenty years, the Government to reimburse itself out of the proceeds of the sale of the ceded lands.

At 50 cents per acre, assuming the estimated area, after deducting the lands to be retained (8,500,000 acres), to be correct, the proceeds would reach the sum of \$4,250,000, the interest on which amount, at 3 per cent, would be \$127,500. At 25 cents per acre the amount received would yield \$63,750 at 3 per cent.

If the lands were sold at the minimum price of the public lands (\$1.25 per acre) the amount accruing from such sale would be very great—\$10,625,000.

The Indians need present assistance, and if it could be afforded in the manner suggested, without waiting the long processes usual in the sale of the public lands, it would be immeasurably to their advantage.

I return herewith Lieutenant Creel's letter, with Senator Windom's indorsement, and inclose a copy of this report.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. the SECRETARY OF THE INTERIOR.

NO. XXII.

SECOND LETTER.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, March 11, 1882.

SIR: I have the honor to acknowledge the receipt, by your reference for report, of a letter from the chairman of the Senate Committee on Indian Affairs, of the 24th ultimo, inclosing Senate bill No. 925, "to provide for the support and civilization of the Turtle Mountain Band of the Pembina Chippewa Indians, and to extinguish their title to lands claimed by them in the Territory of Dakota," upon which the said committee desire from the Department an expression of opinion as to the wisdom of the measure and its form, as well as any information upon the subject the Department may wish to communicate.

In reply I have the honor to state that the affairs of these Indians was made the subject of a report to the Department dated the 4th ultimo, a copy of which is herewith inclosed for the information of the said committee, as showing the views held by this Bureau in respect of the lands referred to in the bill under consideration, as well as the very urgent needs of the Indians who occupy and claim them.

It will be seen by reference to said report (pp. 9-10) that recommendation is therein made for legislation looking to the extinguishment of the Indian title to the lands claimed by these Indians, and for suitable compensation to the Indians for the lands that may be ceded by them to the Government, so that the general features of this bill are in accord with the views held by this Bureau in respect of the things therein treated. However, there are certain modifications required, and I therefore recommend the following:

At the end of line 6, first section, insert these words, "and the Pembina Chippewa Indians residing upon the White Earth Reservation, in the State of Minnesota."

The Pembina Chippewas residing at the White Earth claim a common interest with the Turtle Mountain Band in the Dakota lands. Such claim should be and is recognized by this Bureau, and they have an undoubted right to share in the proposed negotiations in respect of the cession of said lands and to receive an equal share in the benefits that may accrue from said cession.

Again, in line 8, same section, strike out the words "for a certain specified sum," and insert in lieu thereof the following: "On such terms and conditions as shall be considered just and equitable between the United States and said Indians;" and add immediately thereafter the following: "Which cession shall not be deemed and held to be complete until ratified by Congress; and the moneys agreed to be paid shall be appropriated and paid to said Indians or invested for their benefit, as the case may be."

As no appropriation is now made by Congress for the support of the Turtle Mountain Band, the object of the second section is not clear. If said section be retained in the bill it should be modified so as to be applicable to the Turtle Mountain Band only, for the reason that the Pembinas living upon the White Earth Reservation receive a yearly gratuity from the Government, and there is no reason for withholding such gratuity from them. By inserting in line 2 of said second section, after the word "said" and before the word "Indians," the words "Turtle Mountain Band of Pembina Chippewa" the desired object would be reached.

Further, in line 3, section 3, after the word "the" and before the word "Indians," insert "said Turtle Mountain Band of Pembina Chippewa," and after the word "Indians" just referred to, and before the words "White Earth Reservation," having stricken out the word "on," insert the following: "For their removal to and settlement upon the," and in lines 4, 5, and 6 strike out the words "for the location of said Turtle Mountain Pembina Chippewa Indians on said White Earth Reservation." Also, in line 7, same section, after the word "not" and before the word

"remove," insert the words "consent to," and in the same line strike out the words "or if" and also all that follows immediately thereafter to the word "then" (not inclusive of the word "then") in line 9, so that the third section as amended shall read as follows:

"SECTION 3. That the Secretary of the Interior or the Commissioners aforesaid be and are hereby further authorized to negotiate with the said Turtle Mountain Band of Pembina Chippewa Indians for their removal to and settlement upon the White Earth Reservation, in the State of Minnesota: *Provided*, That if the said Turtle Mountain Pembina Chippewa Indians will not consent to remove to said reservation, then the Secretary of the Interior" (and the remainder of that section as it now reads).

The reasons for the modifications of the third section as above are as follows:

The Pembina Chippewas, including the Turtle Mountain Band, have at the present moment a township of land upon the White Earth Reservation that was purchased for them under the act of March 3, 1873 (17 Stat., p. 539). Therefore the proposed legislation looking to negotiations with the White Earth Indians for the settlement of the Turtle Mountain Band upon said reservation is regarded as unnecessary.

In section 4, line 3, after the word "the" and before the word "said," insert the words "agent at Devil's Lake Agency, or such other person as," and after the word "Interior," in line 4, same section, strike out the words "or the commissioners herein provided for," and insert in lieu thereof the words "may designate for the purpose;" so that the first clause of said section as amended shall read as follows:

"SEC. 4. That all allotments set apart under the provisions of this act shall be selected by the Indians, heads of families selecting for their minor children, and the agent at the Devil's Lake Agency, or such other person as the Secretary of the Interior may designate for the purpose, shall select for each orphan child."

In section 6, line 1, after the word "said" and before the word "Indians," insert "Turtle Mountain Band of Pembina Chippewa."

As regards section 8 of the bill, which provides that "immediately upon the passage of this act" certain of the lands claimed by the Indians and therein described shall be open to entry and settlement, I would state that, while said section might seem objectionable on the ground that the consent of the Indians is not made a prerequisite condition thereof, there are potent reasons that may properly be urged to justify the proposed action.

A large immigration, attracted by the profits of wheat raising, has for the last two years been pouring into northeastern Dakota, extending their settlements to the lands claimed by the said Indians in the counties of Pembina, Cavalier, Ramsey, and Grand Forks, the counties mentioned in said eighth section. Portions of these counties are already overrun with settlers of a worthy class eager to cultivate the soil, which in that section promises the largest returns at a minimum cost of labor.

Numerous petitions and appeals have been received from settlers and others for some action looking to the extinguishment of the Indian title to these lands, a title which, while it has long been recognized by this Bureau on the ground of original Indian rights, and that the lands have never been ceded to the United States by any Indian tribe or tribes, as in the case of adjacent lands ceded from time to time, the whites have held that the Indians have no real title and that their claim should not be respected. For which reason, perhaps, taken in connection with the fact that the Indians themselves have never of late years made any good use of these lands—indeed, no use whatsoever since the disappearance of the buffalo (I speak now of the lands lying north and northeast of Devil's Lake)—no attempt has been made to keep settlers from occupying the same.

Again, the vastness of the area claimed by these wandering people, and the absence of any definite knowledge respecting their original rights as against the various other tribes that have inhabited that section of the Northwest, have tended in a degree, no doubt, to lessen the respect that under other conditions might have been entertained in regard to their claim to title to the lands in question. Add to this the fact that these Indians have steadfastly resisted the persistent efforts that have been made to gather them upon the White Earth Reservation, where they might receive proper care and assistance from the Government, and have preferred to lead a shiftless, aimless life where they now are, and it may not be a matter of surprise that the strictest surveillance has not been had in respect of encroachments upon the lands to which they lay claim, or that they themselves have been to some extent neglected.

It is true one of their main objections to removal to White Earth has been the fear that an abandonment of their lands might be looked upon as a relinquishment of their claim, and in that light of the case their feelings are entitled to some respect.

However, this office now, as heretofore, feels bound to recognize the claim of these people, and as it is the chief desire of the Indians, and this Bureau as well, to secure permanent homes and the necessary means for their support until such time as they may be able to take care of themselves in the pursuits of civilized life, and as it is known beyond any reasonable doubt that the Indians will not be exacting, but will gladly accept any reasonable terms that may be offered them, and believing further that Congress will not fail to promptly ratify any proper agreement that may be entered into under the provisions of the first section of the bill, this office is strongly inclined to favor the provisions of the last section, in the interest of the very large immigration now seeking that country and the settlers already there: *Provided, however*, That said section (8th) be so amended as to include in its proposed benefits any Indians having improvements upon said lands.

It is not known that there are any such, but for the protection of any there may be, such amendment should be inserted.

The following is proposed:

At the end of the section (8) add: "*Provided*, That all Indians having improvements upon any of said lands, who would be entitled to allotments under sections 3 and 4 of this act, and who may desire to remain permanently in the enjoyment thereof, shall not be dispossessed of the lands upon which such improvements are situated by anything in this section contained, but shall be entitled to select their allotments as in said sections 3 and 4 provided; which allotments shall be subject to the provisions and restrictions of sections 5 and 6 in respect of all allotments therein referred to."

In conclusion I would state that H. R. 3862, present Congress, "A bill for the relief of the Chippewa Indians in the State of Minnesota and Territory of Dakota," provides, among other things, for negotiations looking to the removal of the Turtle Mountain Band to the White Earth Reservation, and consolidation with the Indians now residing there; also for the relinquishment of their title, for a certain sum, to their Dakota lands. Should both bills pass, no conflict would result, as they are not inconsistent with each other.

Very respectfully, your obedient servant,

H. PRICE, *Commissioner*.

To the Hon. the SECRETARY OF THE INTERIOR.

This bill was introduced in the House of Representatives December 19, 1881, by Mr. Pettigrew, and in the Senate by Senator McMillan January 19, 1882, as Senate bill 925.

The Indian Office, under date June 7, 1882, reporting on Senate bill 925, held that "these lands are Chippewa lands and not Sioux lands."

NO. XXIII.

CORRECTED COPY OF THE PREAMBLE AND RESOLUTIONS.

LETTER TRANSMITTING THE PREAMBLE AND RESOLUTIONS, WITH NOTICE OF APPEARANCE BY J. B. BOTTINEAU AS ATTORNEY FOR THE TURTLE MOUNTAIN INDIANS.

In the matter of the Turtle Mountain Band of Chippewa Indians, claimants to that certain portion of country in the State of North Dakota embracing the Turtle Mountain, etc., *vs.* The United States of America.

To the Honble. Secretary of the Interior:

SIR: I have the honor to submit to you herewith the preamble and resolutions of the above-named claimants, which is hereto annexed and marked Exhibit A, and which is hereby made the original for the purpose of filing and record, a true copy thereof having been served upon His Excellency the President of the United States, and also upon the Honble. Secy. of the Interior, which service was duly acknowledged by letter on the 29th and 31st of January, 1891, respectively, as is endorsed upon Exhibit A. These proceedings and documents are hereby submitted to be filed through the Hon. Secretary of the Interior, with notice of my appearance at this time as the attorney for said claimants, also as a party interested, for the purpose of examining into the status and merits of said claim, to attend to all such preliminary work and proceedings which may be required or necessary to be done towards the adjustment and settlement of said claims; wherefore I have the honor to respectfully ask the Hon. Secretary of the Interior for his assistance and counsel, which I may require at this time in deliberating with these matters for the best interest of said Indians and the Government in the premises. In view of the fact that we have no

means at hand with which to defray my expenses herein attending, I desire that my case may be made special and passed upon with as little delay as possible.

I have the honor to respectfully ask to be furnished with a copy of the reports of the Indian commissioners appointed to negotiate with the Turtle Mountain Chippewa Indians, of which Hon. A. H. Mahone was chairman, and with a copy of such papers as were filed by said Indians or any other person on their behalf with said commissioners, and that I may be allowed to examine all papers and other documents on file and of record relative to and pertaining to the business of said Indians which this office may deem necessary for me to know and for my guidance and assistance in the premises.

Very respectfully submitted.

J. B. BOTTINEAU,
Attorney for Claimants.

AUG. 22, 1891.

EXHIBIT A.

The United States of America, by the Executive, His Excellency the President; the Hon. Secretary of the Interior; the United States Congress, or by its authority; the United States circuit court for the district of North Dakota, as in the case of Black Rob, in Kans., joint resolution, U. S. Statutes, vol. 20, p. 488, be referred to the settlement of this claim.

In re the Turtle Mountain Band of Chippewa Indians, claimants, *v.* The United States of America, the Hon. A. H. Mahone, Prof. William Hoynes, and Hon. Charles Stoker, as Board of the United States Indian Commissioners, defendants.

Preamble and resolutions.

JANUARY 7TH, 1891.

In the absence of the act of Congress authorizing the appointment of said board of United States commissioners, and without the knowledge as to what particular subject-matter and the extent of the power to them given by said act of Congress to negotiate with us, whether for the extinguishment of our title to land or for the removal therefrom. Whichsoever, we propose to remain here at home. Hence this preamble.

We, the undersigned, the head chief, Little Shell, Chief Red Bear, subchiefs, headmen, and all the other representative men of the Turtle Mountain Band of Chippewa Indians residing upon the Turtle Mountain Reservation and its vicinity on the Turtle Mountain, in Rolette and Bottineau counties, in the State of North Dakota, on this 7th day of January, A. D. 1891, at the mission church on said reservation, then and there being in council assembled, respectively and collectively resolved and send greeting the following preamble:

Whereas the files and records abound in evidence in the office of the Hon. Commissioner of Indian Affairs, Interior Department, showing that we, the Turtle Mountain Band of Chippewa Indians, are justly entitled to the recognition of our claim by the Government to the lands in North Dakota bounded as is hereinafter stated, and that said Department of Indian Affairs has long recognized such a claim; having only copies of a few of the documents from that Department at hand showing such evidence, we desire, however, to refer to those, vide letter from the Hon. Commissioner of Indian Affairs dated at his office May 23d, 1878, to the Hon. Secretary of the Interior, which letter contains the findings and report of the said Hon. Commissioner to the Hon. Secretary of the Interior, upon his reference for a report, of a printed brief argued and submitted to said Secretary on the 16th day of February, 1878, by John B. Bottineau, a member of said Chippewa tribe, with his [Bottineau's] letter [page 2] of March 3d, 1878, relative to the matters of the claim of said Turtle Mountain Band of Chippewas in North Dakota. We apprehend that the boundaries of our original claim might have been variedly or incorrectly given by our several and different delegations who went to the national capital at various times in our behalf in this matter; we therefore deem it advisable at this time to submit it correctly. The boundaries of our original claim are, to wit: On the north by the national boundary between the United States and the British possessions; on the east by the Red River of the North; on the south by the Cheyenne River to its head waters or source; thence in a west-northwesterly direction to the head waters of the Little Knife River, a tributary of the Missouri River; thence due north to the national boundary between the United States and the British possessions.

Referring to said findings and report, we observe that while in the last paragraph, on page 4, of said findings and report (page 4, from written copy at hand), referring to the disputed boundaries of the territory over which the original title of the Pembinas extended at the time of the treaty of Prairie du Chien in 1825, says:

"That in settling their southern boundaries Goose River was fixed by the commissioners as a compromised line between them and the Sioux;" * * * but said findings, on page 5, further says:

"And that they not only owned the land ceded (meaning the cession of October 2, 1863), but all the country north of the Cheyenne and a line extending west of its headwaters to the Missouri Coteau, and thence north, including Mouse River, to the British line." * * * And on page 6 the report further says:

"The only treaty provision or other data conflicting with the claims of the Pembina bands to any portion of the territory named is to be found in the treaty of February 19, 1867, in which the Sisseton and Wapeton bands of Sioux Indians ceded the right to construct roads, etc., over the lands claimed by them, same being bounded on the north by the Goose River and a line running from the source thereof by the most westerly point of Devils Lake to Chief Bluff, at the head of James River, and within which territory embracing a small portion of that ceded by the treaty of 1863." * * *

As to this conflicting claim, we desire to invite your attention to that same said treaty, and more especially to the agreement made with the said Sisseton and Wapeton Band of Sioux Indians. Vide Revision of Indian Treaties of 1873, on page 1050 thereof, in the first paragraph of said agreement, lines Nos. 46835 to 46837, inclusive, on page 1051, says: "Indians ceded to the United States certain privileges and right supposed to belong to said bands in the territory described in Article II (2) of said treaty." "Supposed to belong to said bands;" * * * you will observe the phraseology used is of sufficient evidence of the uncertainty of their claims to question their title, and this we are prepared to prove in our favor.

For further evidence of the recognition of our right, title, or equity to the land in question, we respectfully refer to the findings and report of the Hon. Commissioner of Indian Affairs, H. Price, by his letter dated Office of Indian Affairs, Washington, Feb. 14th, 1882, to the Hon. Secretary of the Interior. (Vide pages 2, 3, and 4 of Report No. 1144, 1st session, 47th Congress, House of Representatives, entitled "Turtle Mountain Band of Chippewa Indians," and dated April 28th, 1882.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.)

The 10th paragraph of page 3 thereof the Hon. Commissioner says: "The boundaries of the unceded [page 3] country claimed by the Pembina Chippewas, and recognized by this Bureau to the extent indicated in the report to Department quoted from in the beginning of this letter, are marked with approximate accuracy only upon the map herewith enclosed. As has been seen, its area has been estimated at 9,500,000 acres. As a portion of their original claim has been taken for the use of the Fort Berthold Indians, it is not likely that it will now exceed 9,000,000 acres.

"It is not at all probable that this territory will ever be needed by the Government for Indian purposes. The Indians now occupying and claiming it do not need more than one-twentieth part thereof, and I am firmly convinced that the entire tract except, say, 500,000 acres, which should be retained in a compact body for them, should be sold for the benefit of the Turtle Mountain Indians and their brothers now at the White Earth Agency, who should be held and deemed to be as much entitled to share in the benefit arising from such sale as they, the Turtle Mountain Band." * * *

In view of the fact that a large immigration, attracted by the profits of wheat raising and the fine pasture for stock raising, has for the last ten years been pouring into the Northwestern Dakota, extending their settlements to and upon our unceded lands, several delegations were sent from time to time, and repeated appeals and petitions was made to the United States Government for the settlement of our claims, all of which has been to a great deal of trouble and expense to both the Government and to ourselves, but, alas, nothing has as yet resulted towards a settlement of our claims, and the whites are still invading our country; we have suffered greatly for a great number of years from the effects of starvation and nakedness to preserve and maintain our right to the lands and country upon which we have lived for many generations past, and wherein a great number of our people are now resting in their graves. We have endured all this suffering without ever molesting or disturbing any of our white friends, notwithstanding they have continued to infringe and usurp upon us. We are happy to say we are a peaceable people, and have lived and died in hope that the day of betterment was soon coming, but without avail. If we were those of the character which the whites are trying to make the people to believe we are, an

occasional dance, with a few settlers' cattle to feast upon, and a Ghost or a Messiah dance, might have changed the order of things; but we do not believe in it, and we shall always live in peace with the whites, but we have resolved to live and die here at our old home, the Turtle Mountain country, and we demand the recognition and the final settlement for our lands, and that we be provided with a reservation therefrom without further or any unnecessary delay.

We also demand immediate relief by way of subsistence and clothing pending the final settlement and the extinguishment of our title to these lands.

And in view of the fact that the white settlers are constantly taking claims within the boundaries and territory wherein a great number of our people have been and now are occupying homes with the intention to acquire the same under treaty allotment, and that a great number of such homes have been taken from them by white settlers (which we shall at the proper time demand for a restitution of the same to those of our people from whom they have been taken), and for the further reason that such white settlers are constantly taking claims upon our timber lands on the Turtle Mountains, and under the pretext of clearing the land for cultivation or for other pretext these settlers are constantly destroying and [page 4] ruining our timber by chopping it into cord wood and selling it to dealers and shippers to such an extent that the supply of hardwood timber is now nearly exhausted, and that there is now hardly sufficient remaining for our future use, we therefore respectfully demand that an Executive order be issued without delay withdrawing a portion of these lands from market and settlement, suspending all entries therein, and stopping the further destruction of the timber, and that the same be and remain Indian lands to our use, for the purpose aforesaid, bounded as follows, to wit:

Commencing on the national boundary line between the United States and the British possession at the intersection of the north and south line between townships Nos. 69 and 70 west of the 5th prn. mer.; thence due south from said national boundary on said township line to the line of the 15th standard parallel next south of said national boundary; thence due west on the line of said standard parallel to the southwest corner of township No. 161, of range 75 west, of 5th prn. mer.; thence due north on said township line to said national boundary; thence east on said national boundary line to place of beginning.

To that end we do hereby appoint John B. Bottineau, one of our blood relation and a member of our tribe, our counselor and attorney at law, to appear for us before the proper department of the United States Government or any courts thereof and to prosecute our claims in law or in equity to the final adjustment of the same and until said head chief, Little Shell, and his band shall have concluded and signed a treaty for the cession of their lands and the adjustment of their reservation, for which services said bands, by said Chief Little Shell and Sasswaine, promises to recompense said Bottineau liberally, all of which services said Bottineau does hereby agree to do and perform as aforesaid, and to first press for our wants for clothing and subsistence.

Let copy of these resolutions and preamble be served upon His Excellency the President of the United States, the Hon. Secretary of the Interior, the Hon. A. H. Mahone, chairman of the board of said Indian commissioners, and to the Representatives in Congress from this State.

Witness our hand seals hereto subscribed and affixed at the Turtle Mountain Reservation, in Rolette County and State of North Dakota, this 7th day of January, A. D. 1891.

Signed in presence of—

PIERRE LAVERDUR,
CHARLES BOTTINEAU,
HENRI POTRAT. }

JOHN B. BOTTINEAU. [SEAL.]

Ayabe way we tung (Little Shell), Head Chief, age 50, his x mark and seal.

Tebish koo ge zhik (Red Bear), 2nd Chief, age 59, his x mark and seal.

Mesko pe naice (Red Thunder), Sub-Chief, age 87, his x mark and seal.

Kah giunee was (Son of Red Thunder), a Brave, age 28, his x mark and seal.

Way windje gah bow (Le grot Affair), a Sub-Chief, age 58, his x mark and seal.

Osh kee na wince, age 38, his x mark and seal.

Pay bah mash, age 30, his x mark and seal.

Ogemah we ga bow, age 20, his x mark and seal.

Sas swain (Henri Potrat), age 50, his x mark and seal.

Boinince (J. Aaptist Davis), age 71, his x mark and seal.

Kag kay dway was kung (William Davis), age 68, his x mark and seal.

[Page 5] Pah pe tchee (Charles Demontinee), age 70, his x mark and seal.

Osh pih kah kahn (Louis Goddon), age 54, his x mark and seal.

Nah pugg ozhoo gan (Jerome Davis), age 41, his x mark and seal.

Kah gan aish (Francois Morin), age 55, his x mark and seal.

Joseph Desnarios, age 55, his x mark and seal.
 Odjoon (J. Louis Fayon), age 63, his x mark and seal.
 Nob bace (Pierre Jannotte), age 60, his x mark and seal.
 In ne ne wish (Charles Packnod), age 56, his x mark and seal.
 Ahk ew win ne ne (Alex Jannotte), age 53, his x mark and seal.
 Charles Ross, age 57, his x mark and seal.
 J. Baptiste Morin, age 22, his x mark and seal.
 Zachorie Mullataire, age 33, his x mark and seal.
 Jerome Mullataire, age 36, his x mark and seal.
 Nap pugg (Francois Davis), age 18, his x mark and seal.
 Wah poohk (Alexander Baston), age 23, his x mark and seal.
 Alexander Mullataire, age 26, his x mark and seal.
 Tchee gasson (Henri Portrat, jr.), age 33, his x mark and seal.
 Kah ge zheh kadt (Joseph Portrat), age 28, his x mark and seal.
 J. Baptiste Langie, age 35, his x mark and seal.
 Coton nah hais (Jean Bte. Langie), age 49, his x mark and seal.
 Leon Safraniere, age 32, his x mark and seal.
 Charles Potrot, age 23, his x mark and seal.
 J. Baptiste Davis, jr., age 41, his x mark and seal.
 Alexander Davis, age 36, his x mark and seal.
 Laurant Ducharme, age 20, his x mark and seal.
 Bastien Potrot, age 31, his x mark and seal.
 Opoh quay shekan omah kah mino she yit (Pierre Laverdure), age 50, his x mark and seal.
 Louis Lafontaine, age 44, his x mark and seal.
 Elie Falcon, age 44, his x mark and seal.
 Antoine Morin, age 58, his x mark and seal.
 Peter LaFontaine, age 23, his x mark and seal.
 Bernard Delorm, age 35, his x mark and seal.
 Roderick Short, age 31, his x mark and seal.
 Alexandre Zaste, age 50, his x mark and seal.
 Isidore Morin, age 21, his x mark and seal.
 Paul Grandbois, age 28, his x mark and seal.
 Peter Flama, age 27, his x mark and seal.
 Roger Morin, age 27, his x mark and seal.
 Alexander Morin, age 55, his x mark and seal.
 Patrice Grandbois, age 26, his x mark and seal.
 Boyish (Frederik Swan), age 36, his x mark and seal.
 Daniel Short, age 28, his x mark and seal.
 Patrice Demontignez, age 36, his x mark and seal.
 Magloire Boneau, age 39, his x mark and seal.
 Kah kag Kamihk (Alex La Roque), age 42, his x mark and seal.
 Louis Allarie, age 34, his x mark and seal.
 Louis Richard, age 56, his x mark and seal.
 Wah be dee (Andre St. Germin), age 52, his x mark and seal.
 [Page 6] Sag ge mais (Cuthbert Packnode), age 57, his x mark and seal.
 Osh kee nee gy (Gaspard Jannotte), age 27, his x mark and seal.
 Kay zheka tay poitohk (Antoine Gunville), age 53, his x mark and seal.
 Uncle of Osh kee nee gy (Gaspard Jannotte), age 45, his x mark and seal.
 Leon Jannotte, age 24, his x mark and seal.
 Osh kee na wince (Jerome Ledox), age 24, his x mark and seal.
 Pierre St. Germin, age 23, his x mark and seal.
 Louis Morin, age 49, his x mark and seal.
 Francois Langan, age 47, his x mark and seal.
 Joseph Langan, age 33, his x mark and seal.
 Francois Langan, jr., age 19, his x mark and seal.
 St. Pierre Fayon, age 21, his x mark and seal.
 Michael Langan, age 37, his x mark and seal.
 Charles Ross (fils), age 22, his x mark and seal.
 Francois Soine, age 27, his x mark and seal.
 Francois Packnode, age 24, his x mark and seal.
 Augustine Lefort, age 24, his x mark and seal.
 Poikine (William Richard), age 24, his x mark and seal.
 Patrice Morrisseau, age 25, his x mark and seal.
 In nini wish (Joseph Morrisseau), age 19, his x mark and seal.
 Big gee (Cuthbert Jannotte), age 22, his x mark and seal.
 Sho nanim (Charles Lavolette), age 39, his x mark and seal.

We don (Louis Lavallee), age 32, his x mark and seal.
 Jobe Falcon, age 36, his x mark and seal.
 France St. Jermine, age 24, his x mark and seal.
 James Slater, age 42, his x mark and seal.
 Joseph Jannotte, age 24, his x mark and seal.
 Pe kins see (Olivier Laroque), age 28, his x mark and seal.
 Aleck Jannotte, age 19, his x mark and seal.
 Ka Pisisissit (John Jeannotte), age 18, his x mark and seal.
 Albert Laviolette, age 20, his x mark and seal.
 Pah nask (Louis Paquenaud), age 29, his x mark and seal.
 Hyacinth Richard, age 26, his x mark and seal.
 Wah poos (J. Baptist Laviolette), age 64, his x mark and seal.
 Jacob Laviolette, age 20, his x mark and seal.
 Diome Langan, age 34, his x mark and seal.
 J. Baptiste Jeannotte, age 37, his x mark and seal.
 William Hollard, age 24, his x mark and seal.
 Pah pihk (James Loroque), age 25, his x mark and seal.
 Samson Papuenaud, age 22, his x mark and seal.
 Tchee Kanie (Andre Fleurie), age 29, his x mark and seal.
 Francois Dauphinais, age 45, his x mark and seal.
 Too toosh (William Ross), age 19, his x mark and seal.
 Alexis Gunville, age 82, his x mark and seal.
 Joseph Fleuri, age 64, his x mark and seal.
 Patrice Lafonrnaise, age 25, his x mark and seal.
 William Fleurie, age 21, his x mark and seal.
 Joseph Paul, age 23, his x mark and seal.
 [Page 7] Cassimire Bauvier, age 44, his x mark and seal.
 Napoleon Mullataire, age 24, his x mark and seal.
 Kay payshk (Louis Davis), age 33, his x mark and seal.
 Napoleon Potrat, age 20, his x mark and seal.
 Et al. (Et al.).

We do hereby certify that the foregoing preamble and instrument was fully interpreted, explained to, and understood by said Indians before signing, and that we were present and witnessed their names respectively subscribed and affixed hereto. Dated this 10th day of January, A. D. 1891.

PIERRE LAVERDURE.
 CHARLES BOTTINEAU.
 HEURI POTRAT.
 JOSEPH DEMARAIS.

REPORT OF THE HON. COMMISSIONER OF INDIAN AFFAIRS TO THE HON. SECRETARY OF THE INTERIOR.

N. DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
 WASHINGTON, Sept. 21, 1891.

The Honorable the Secretary of the Interior:

SIR: I have the honor to acknowledge the receipt, by your reference, for "consideration in connection with report of commissioners for Turtle Mountain Indians, and report," of a communication of August 22, 1891, from J. B. Bottineau, attorney for the Turtle Mountain Band of Chippewa Indians, submitting a printed copy of a preamble and resolutions adopted by that band January 7, 1891, in which their claims and needs are set forth, and asking your assistance and counsel in deliberating upon the matters to which these resolutions relate, for the best interest of the Indians and the Government; also that he be furnished with a copy of the reports of the "Indian commissioners appointed to negotiate with the Turtle Mountain Chippewa Indians, of which Hon. A. H. Mahone was chairman, and with a copy of such papers as were filed by said Indians or any other person on their behalf, and that I may be allowed to examine all papers and other documents on file and of record relative to and pertaining to the business of said Indians which this office may deem necessary for me to know and for my guidance and assistance in the premises."

The opening paragraph of the paper submitted by Mr. Bottineau sets forth that, "in the absence of the act of Congress authorizing the appointment of said board

of United States commissioners, and without the knowledge as to what particular subject-matter, and the extent of the power to them given by said act of Congress, to negotiate with us. whether for the extinguishment of our title to land or for the removal therefrom—whichsoever, we propose to remain here at home. Hence this preamble.”

It then proceeds to set forth the claim of the Turtle Mountain Band to an interest in a section of country covering an area of about nine millions of acres, the original Indian title to which, it is alleged, is still outstanding in the Pembina bands of Chippewa Indians, referring to reports by the Commissioner of Indian Affairs to the Secretary of the Interior, and certain treaties as recognizing this claim. All the reports referred to are doubtless on file in one of the divisions of your office.

Referring to a statement in a report of May 23, 1878, from this office on the rights of the Pembina bands of Chippewas in the country claimed by them, that “the only treaty, provision, or other data conflicting with the claims of the Pembina bands to any portion of the territory named is to be found in the treaty of February 19, 1867” (15 Stats., 505), with the Sisseton and Wahpeton bands of Sioux, who ceded to the United States certain rights of way over lands embraced within the same, attention is called, in the paper submitted by Mr. Bottineau, to the preamble to the agreement of September 20, 1872 (Revis. Ind. Trs., 1051), with the Sisseton and Wahpeton bands of Sioux, in the preamble to which it is stated in the treaty of 1867, above referred to, that these bands of “Indians ceded to the United States certain privileges and rights supposed to belong to said bands in the territory described in article two (2) of said treaty,” and it is claimed that the phraseology here used casts a suspicion upon the title of the Sioux to this country.

On pages three and four of the resolution of the Turtle Mountain Indians, at the conclusion of references to reports by this office and treaties bearing on their claim, it is stated that, attracted by the adaptability of the country in “northwestern Dakota” to wheat and stock raising, large numbers of immigrants have in the last ten years entered that country and extended their settlements to and upon the lands claimed by them; that at great trouble and expense, both to the Government and the Indians, several delegations have been sent, and repeated appeals and petitions made to the United States, but “nothing has resulted towards a settlement of our claims, and the whites are still invading our country;” that they have suffered greatly for a number of years from the effects of starvation and nakedness while endeavoring to preserve and maintain their right to the lands and country upon which they have lived for many generations past, and wherein a great many of their people are now resting in their graves; that they have endured this suffering without disturbing or molesting their white friends, notwithstanding encroachments upon and usurpation of their rights by the whites have continued; that they are a peacefully disposed people and have lived and died in the hope that the day of betterment was soon coming, and without avail; that they do not believe in dancing, and feasting on settlers’ cattle, and shall always live in peace with the whites; “but we have resolved to live and die here at our old home, the Turtle Mountain country, and we demand the recognition and final settlement for our lands, and that we be provided with a reservation therefrom without further or any unnecessary delay.”

“We also demand immediate relief by way of subsistence and clothing pending the final settlement and the extinguishment of our title to these lands.”

In view of the allegations that white people are constantly taking up lands within the territory claimed by the Indians, encroaching upon the claims taken thereon by members of the band, and destroying the timber growing upon lands within the country, the Turtle Mountain Band demands that an Executive order be at once issued withdrawing a portion of those lands from market and settlement, suspending all entries therein, and stopping the further destruction of the timber, and that the same be and remain Indian lands to our use, for the purpose aforesaid, bounded as follows, to wit:

“Commencing on the national boundary line between the United States and the British possessions at the intersection of the north and south line between townships No. 69 and 70 west of the 5th prn. mer.; thence due south from said national boundary on said township line to the line of the 15th standard parallel next south of said boundary; thence due west on the line of said standard parallel to the southwest corner of township No. 161, of range 75, west of 5th prn. mer.; thence due north on said township line to said national boundary; thence east on said national boundary line to place of beginning.”

In the concluding portion of the paper Mr. Bottineau, a member of the band, is stated to be appointed the attorney in fact for it to prosecute the claims of these Indians.

The principal features of the paper for consideration are:

First. The alleged determination of the Indians to remain in the Turtle Mountain country, which they seem to regard as their ancestral home;

Second. Their claim to a large section of country under the original Indian title;

Third. Their demand for a settlement of this claim, and for relief in the way of subsistence and clothing pending such settlement; and

Fourth. That an extensive reservation be set apart out of the country claimed for their use and occupancy by an Executive order.

As to the alleged determination of the Indians to remain in the Turtle Mountain country, I have to say that I am in receipt of a letter, dated Wolf Point, Montana, August 28, 1891, from Little Shell, the head chief of the Little Mountain band, in which he alleges that he was promised by the Turtle Mountain commission that if he would relinquish his claim on the Turtle Mountain Reservation he would be provided with another and paid the difference in value; that he was told by that commission to look over the country and locate a place, and it would see that he would receive a reservation for his people; that he is at present visiting his uncle, "Red Stone," chief of the Assinnaboines; that if it can possibly be arranged he would like to have a strip of land on the Missouri River above the mouth of Milk River, twenty-five miles wide and thirty miles long, on the north side of the Missouri River; that the most of his tribe with him are not contented to live at the Turtle Mountain, and all would be better satisfied with the location he speaks of; that the lands of Turtle Mountain are much more valuable to the white man than that on which he wishes to locate, and for this reason he would expect the Government to pay the difference in cash or otherwise; that he makes this proposition so that this matter can be settled for all time; that he can never live at Turtle Mountain again under the circumstances, and, knowing that the Government has at all times been willing to render a helping hand to the Indian, he hopes his offer of exchange will be considered and his request be granted; and that he has never signed his name to any treaty giving the Government his land at Turtle Mountain, and he never will do so until he is located with his people on a reservation of their own at least twenty-five miles square.

This communication from Little Shell was received in this office on the same day that Mr. Bottineau's letter on the subject was received by reference from the Department; and doubtless Mr. Bottineau was not aware of the change that appears to have come over the minds of the Indians with respect to their removal from Turtle Mountain. The result is, by resolutions purporting to have been adopted by the Turtle Mountain Band in council January 7, 1891, the members thereof express their determination to remain at their old home, and demand that a larger reservation be established there for their use, and on August 28, 1891, the head chief of the band, claiming to represent the wishes of most of his tribe, states that they are not content to live at Turtle Mountain, and that all would be better satisfied with a reservation located on the Missouri River in Montana.

The reservation requested at Turtle Mountain would contain 446,670 acres, or a little over nineteen townships, two of which are now reserved for these Indians, and the reservation asked for by Little Shell in Montana would be twenty-one townships, on 483,840 acres in extent.

As to the desired extension of the reservation at Turtle Mountain, I have to say that it is more than probable many settlements, and possibly entries, have been made by whites upon the lands desired by the Indians, whose prior rights therein would be entitled to consideration. Besides this, much trouble has been experienced by the Government in giving relief to and in administering the affairs of these Indians, on account of their proximity to the international boundary and their close relationship to Indians belonging across the line within the British possessions. For these reasons it has been almost impossible to determine with any degree of certainty the exact number of Indians who are members of the band and entitled to the protection of our Government. This difficulty was experienced by the late "Turtle Mountain Commission" in taking the census of the band, and in its report it was fully set forth. The expressions of the commissioners on this subject will be found quoted at page 11 in the report of this office, in which the report of said commissioners was discussed, and which is now on file in your office. In addition to these objections to giving the Indians the reservation in Dakota that they ask for, I am of the opinion that the people in that vicinity, especially those occupying the country asked for, would be so opposed to it that it would be difficult for the Government to prevent conflicts between them and the whites.

I have before me now a copy of the Turtle Mountain Times (herewith inclosed), a paper published at Dunseith, North Dakota, in which appears an editorial arti-

cle charging that half-breeds have been and are being induced to come over from Canada, and are occupying some of the best land in the county (Rollette County, N. D.); that some of them have voted at elections, but all refuse to pay taxes; that no demand for payment of taxes has been made upon the Indians and half-breeds who are entitled to be on the reservation; that the foreign half-breeds are so increasing in number as to crowd the Indians off the reservation; that when any trouble arises with the "breeds" those living on the reservation would join in, thereby defeating the officers of the law and causing great uneasiness among the white settlers, "as it is known that a great many of the 'breeds' belong on the other side of the line and took part in the Riel rebellion," and calling upon the people in the Turtle Mountain country to sign a petition to this Department asking that the Turtle Mountain Reservation be abolished.

Those are the sentiments obtaining among the people in the vicinity of the Turtle Mountain Reservation, and I do not think that the reserve should be enlarged to accommodate half-breeds. If they are entitled to land from this Government they should take allotments or homesteads from the public domain and earn their own support.

The lands in Montana desired by Little Shell for a reservation lie north of the Missouri River, directly west of the Fort Peck Reservation, on the ceded portion of the great Blackfeet Reservation in that State. The cession of portions of the Blackfeet Reservation was, in response to demands of settlers for land, secured by the Government at great expense and after much trouble, and I would not recommend, except in a case of great emergency, that any portion of the ceded lands be again set apart as an Indian reservation. Besides this, to enlarge the present Turtle Mountain Reservation, as suggested by Mr. Bottineau, or to give the Turtle Mountain Indians a new reservation in Montana, as requested by Little Shell, would be in opposition to the policy of the Government to reduce, as far as practicable, and not to enlarge, the area occupied by Indian reservations.

The Fort Peck Reservation, upon which Little Shell and a part of his band are visiting their relatives, the Assinaboines, contains one million seven hundred and seventy-six thousand acres of land, and is occupied by about three thousand Indians. Under the agreement with these Indians ratified by act of Congress of May 1, 1888 (25 Stats., 113), these Indians have the right to receive allotments from their reservation in quantities, as provided by the general allotment act (24 Stats., 388), which will require an average of about eighty acres for each Indian. This will take about two hundred and fifty acres of land to make the allotment, leaving a surplus of fifteen hundred thousand acres—more than enough land to give the Turtle Mountain Indians a large reservation within the Fort Peck reserve.

There are other reservations which are large enough to give these Indians a sufficient reservation and to make allotments to those occupying them, but I have called particular attention to the Fort Peck reserve on account of the fact that the Indians located thereon, or a part of them at least, are related to the Turtle Mountain band, and would probably raise no objection to having their relatives occupy the reservation with them.

It is probable that a discreet and properly constituted commission could secure the consent of the Fort Peck Indians for the settlement of the Turtle Mountain Band upon a portion of their reservation, which proposition I am led to believe from Little Shell's letter, that band will entertain and perhaps accept for a reasonable consideration.

In 1882 the Secretary of the Interior, Mr. Teller, considered the claim of the Turtle Mountain Indians to the tract of country now claimed by them, and in a letter of October 4, 1882, to the Commissioner of the General Land Office directing the extension of the public surveys over the region covered by this claim, expressed his views as to its status as follows:

"I am of the opinion that the claim is not well founded, yet if it should appear on careful examination of the facts that such a claim does exist it will be the duty of the Government to make proper compensation to the Indians. I do not think nearly 10,000,000 acres of valuable land, on which a great number of settlers are now located, * * * should be withheld from the operation of the homestead and preemption law because a question has been raised whether the small band of Indians (not exceeding three hundred) have a claim on this land or not. It is not contended by anyone that the Government has recognized this claim of the Indians by treaty with them, and the Indians make no use of the land except to roam over it, not cultivating, I think, any of it."

Subsequently, on January 28, 1886, the Commissioner of the General Land Office suspended all contracts for surveys of lands in this region, alleging as the reason

therefor the "present status of the Indian claims to said lands, added to the presumption that the whole question will be submitted to Congress for requisite legislation as to the regular extinguishment of the Indian title, and their proper compensation therefor."

From this suspension one of the contractors appealed to the Department, and the report of the Commissioner of the General Land Office of April 26, 1886, thereon, together with other reports on the subject from him, was referred to this office for an expression of opinion as to the title of the Indians to the lands involved.

Upon these papers this office submitted a report February 17, 1887, in which the opinion was expressed that the claim of these Indians, if they have any, can only finally be adjudicated and determined by the legislative branch of the Government, and that it should not be considered by the Executive as a bar to the further settlement and development of the country to which it extended; and it was submitted for the consideration of the Department "whether it would not be best to remove all restriction as to the settlement of this country by resuming survey and permitting entry, leaving the claim of the Indians to be finally settled by Congress."

Upon this report Acting Secretary Muldrow, without determining whether or not the claim of the Indians was well founded, directed, in a letter of April 4, 1887, to the Commissioner of the General Land Office, that the surveys authorized by Secretary Teller in 1882 be continued.

The Department rulings so far as they have given any expression upon the merits of the claim of these Indians to any valid title to the lands referred to, have been adverse thereto, though I do not know that any formal and final decision on the question has ever been made.

Under a provision of the Indian appropriation act of August 19, 1889 (26 Stats., p. 354), a commission of three persons was appointed with a view to negotiating with these Indians for a cession by them of whatever right or interest they may have in and to any and all land in North Dakota; for their removal to and settlement upon the White Earth Reservation, or other lands reserved for the Chippewas in Minnesota, and for obtaining the consent of the Minnesota Chippewas thereto.

The report of this commission, which is dated February 9, 1891, was discussed in office report of May 18, 1891, which is now on file in the Department. None of the objects for which the commission was established was accomplished by it, and for this reason it was suggested that "it might be well to allow the agent at Devils Lake Agency, who has charge of the Turtle Mountain Indians, to obtain from said Indians and submit to this office any propositions they may desire to make in regard to their affairs," and that if "you concur in this suggestion I will prepare a letter to the agent instructing him in accordance therewith and submit the same for your approval."

In your letter of May 25, 1891, to this office on the subject you directed that the agent be instructed accordingly; and by letter of May 29, 1891 (copy inclosed), he was so instructed. No reply from the agent to this letter has as yet been received.

As stated in Mr. Teller's letter of October 4, 1882, to the General Land Office, above referred to, the United States has never recognized the claim of the Turtle Mountain Indians to the country claimed in any treaty with them, and they have no funds out of which the Government can provide for their support and civilization. Whatever moneys, therefore, that may have been or may be expended for their benefit by the Government must be purely gratuitous and dependent entirely upon the will of Congress.

The following sums have been appropriated for the support and civilization of these Indians since 1884:

For the fiscal year 1884, nine thousand dollars; 1885, five thousand dollars; 1886, five thousand dollars; 1887, seven thousand dollars; 1888, seven thousand dollars; 1889, seven thousand dollars; 1890, thirteen thousand dollars; 1891, thirteen thousand dollars, and for the current fiscal year, thirteen thousand dollars, making in all appropriated for nine years a total sum of seventy-four thousand dollars. Of this sum there has been expended for the support and civilization of the Turtle Mountain Indians during the fiscal years 1884 to 1891, both inclusive, the sum sixty-two thousand four hundred and fifty-seven (\$62,457.50) dollars and fifty cents, as follows: For 1884, \$8,885.71; 1885, \$4,975.10; 1886, \$4,618.35; 1887, \$5,930.66; 1888, \$6,975.10; 1889, \$6,965; 1890, \$11,994.50, and 1891, \$12,013.08.

Besides the sums appropriated and expended by the Government for the support and civilization of these Indians as above set forth, there have been expended from appropriations for relief of destitute Indians, in furnishing relief to the Turtle Mountain Indians in the past five years, the total sum of eleven thousand dollars. Of this sum, three thousand dollars was paid out in 1886, three thousand dollars in

1888, and five thousand dollars in 1889, and in 1890 two thousand was diverted from appropriation for support of Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas to furnish subsistence for these Indians.

In all, the Government has used for the benefit of these Indians since 1884, up to and including the fiscal year of 1891, seventy-five thousand four hundred and fifty-seven (\$75,457.50) dollars and fifty cents.

Inasmuch, therefore, as these Indians have no moneys of their own, and appear to be unable to earn sufficient upon which to subsist, and the Government is called upon to furnish money gratuitously for their support each year, I submit that, whether or not their claim to lands in Dakota is well founded, it might be well to negotiate with them and secure a relinquishment of all their claims, paying therefor an annual sum sufficient for their support and civilization during a term of, say, ten years. I think that the Indians would agree to give up their claim if the Government would agree to pay them what shall be found to be a fair and reasonable sum therefor. The claim is of such doubtful and uncertain nature that I do not look upon it as having any great value. I do not think that they should be offered any large sum for a full and final relinquishment of the claim they set up. Whether there be justice in the claim or no, the Indians have grown to believe that it is just, and I am inclined to believe that a reasonable consideration therefor, stipulated for expenditure in annual installments for their benefit, would be not only a good business solution of the question, inasmuch as the Government appropriates money annually for their support, but would satisfy what they have been led to believe is a just claim for the land.

I would consider \$150,000 to \$200,000, in addition to what has heretofore been expended for their benefit, a fair and reasonable basis of adjustment of this matter, the expenditure thereof to be made in annual installments for the benefit of the Indians belonging to the Turtle Mountain Reservation.

Of the appropriation made by act of August 19, 1889, providing for negotiations with these Indians, there remains on the books of this office a balance of \$800.

Mr. Bottineau's letter, together with a communication from Little Shell and the newspaper referred to herein, are herewith inclosed, with request that they be returned to the files of this office when they are no longer needed by the Department.

Very respectfully, your obedient servant,

R. V. BELT,
Acting Commissioner.

MURCHISON.

NO. XXIV.

MINUTES OF THE GRAND COUNCIL PROCEEDINGS OF JANUARY 29, 1892.

TURTLE MOUNTAIN CHIPPEWA U. S. INDIAN AGENCY,

Rolette County, State of North Dakota, ss:

Be it known that on this 29th day of January, A. D. 1892, at a grand council meeting held in the mission church on said Indian agency in pursuance of public notice given, we, the Turtle Mountain Band of Chippewa Indians, after consultation and due consideration of the questions presented before us in the said council assembled, we do find and declare by and through our chief, warriors, and representative men whose names are respectfully hereto subscribed and affixed, each for himself and collectively hereby resolve, and by these presents do hereby declare, that all the lands and country lying in the State of North Dakota west of the lands ceded to the United States by treaty of October 2nd, 1863, and supplemental treaty of April 12th, 1864, by the Red Lake and Pembina Chippewa Indians and fully described on page two (2) of our printed preamble and resolutions of January 7th, 1891, presented by our attorney, John B. Bottineau, and now on file in the Office of Indian Affairs, Department of the Interior, at Washington, D. C., have never been sold or conveyed, and that our title thereto has never been in any way extinguished; and we do further resolve to cling to our title thereto and to keep possession thereof until finally adjusted by the decision or decree of the Hon. Secretary of the Interior, or any Federal court or courts in which our said claim may be brought for adjudication and the same lawfully disposed of by us by treaty or agreement.

And whereas on or about the month of July, A. D. 1891, and before our chief, Little Shell, left us to be absent for some time, at the request of our subchief, braves,

head-men, and councilmen, according to our rules and customs in such case provided, our said chief, Little Shell, did then and there substitute and appoint Miskoo be naice, Red Thunder, otherwise known by the name of Carcazhoo, a subchief of our said tribe, to be in his place and stead, and to act as chief of said tribe, to do and to act in all matters whatsoever which may or might come before him as such chief, and to do, act, and deliberate with all matters and things the same as he, the said Red Thunder, may deem best and proper as such acting chief; and it is further resolved and proclaimed by this council that said substitution and appointment of said Miskoo be naice, Red Thunder, as chief of our said band and tribe, to act as such during the absence of our said chief, Little Shell, has been and is hereby approved and recognized by all the members of our band and tribe, and that we have and now do recognize and respect all his acts and deliberations in all matters and things as such chief, the same as if done personally by our said chief, Little Shell.

It is further resolved that said John B. Bottineau is hereby appointed formally our attorney and counselor at law with full power and authority to prosecute our said claim against the United States for lands described in our printed preamble and resolutions of January 7th, 1891, on file and of record in the Office of Indian Affairs, Department of the Interior, hereinbefore mentioned, before any of the executive or legislative departments of the Government, or in any of the Federal courts or tribunals of the United States having jurisdiction of said claim, with further power and authority to our said attorney to revoke any and all other or former powers of attorney, agreements, and contracts which we, or any member of our tribe for us, said Turtle Mountain Chippewas, may have made, executed, and delivered to Messrs. Curtis & Burdette, attorneys at law, Washington, D. C., or to any other attorney, person, or persons whomsoever, whereby ten, fifteen, or any other per centum which may have been agreed to be paid out of the proceeds which may be derived from our said claim, or which may have been agreed to be paid to said Curtis & Burdette, or to any other person, as attorney fees or commissions in consideration of services which might be rendered by them, or either of them, in the prosecution of our said claim; and that all such powers of attorney, contracts, and agreements heretofore made and executed, or the payment of ten, fifteen, or other per centum, is hereby revoked and canceled, the same to be used to pay for the services rendered and to be rendered by our said attorney, John B. Bottineau, not to exceed, however, ten per centum, as in the former power of attorney, and an agreement with him is herewith given, to be properly verified before the judge of a court of record by the special committee appointed by this council.

And it is hereby resolved that said special committee consists of the following-named subchiefs and headmen of our said band and tribe resident upon this Turtle Mountain, to wit: Miskoo be naice (Red Thunder), subchief; Ozha washkoo be nag shin (Bah narb); Ozar we ge zhick (Ayy yar zhaib); Payh kee nar gay wub; Sas swain.

And they, the said individuals, are hereby appointed and constituted said special committee, a majority of which is hereby authorized to act and to do and to appear before a notary public, or a judge of a court of record, or any other person or officer duly authorized by law to take acknowledgments or deeds or other instruments, to execute, verify, and acknowledge our said power of attorney and agreement to said John B. Bottineau, as the free act and deed of the said Turtle Mountain Band of Chippewa Indians, and to do all acts, matters, and things which may be required and necessary to be done and performed in the premises as such special committee for and on behalf of said Indians.

It is further resolved that all the mixed bloods descendants of our tribe belonging to our said band are hereby recognized to be Indians for all intents and purposes, and are fully entitled to the benefits hereof the same as any of the full bloods of our said tribe and band.

In witness whereof we, each for himself, do hereby subscribe and affix his name and mark in said council assembled as aforesaid the day and year first above written.

Misko be naice, sub and acting chief, his x mark.

Ozha washk benaz shin (Barnob), his x mark.

Sas swain, his x mark.

Ozar we ge zhick (Ayy yar zhaib), his x mark.

Payh kee har gay wub, his x mark.

We the undersigned, each for himself, do hereby certify that the individuals named above did sign and affix his name and mark hereto in council assembled

after the particulars and purposes herein expressed had been fully and well explained to him.

Witness our hand and seal the day and year above written.

JOHN B. RENO. [SEAL.]
CUTHBERT GRANT. [SEAL.]

STATE OF NORTH DAKOTA, *County of Rolette, ss:*

Subscribed in my presence and sworn to before me this 1st day of February, A. D. 1892.

JOHN BURKE,
Judge of the County Court.

[County court seal, Rolette County, State of North Dakota.]

Misko be naice (Red Thunder), acting chief, age 88, his x mark.
Ozha washkoo be nay shin (Barnarbb), age 72, his x mark.
Payh kee nar gay wub (Pooh koo got), age 74, his x mark.
Mar dje be nace, son of Carkar Zhoo, age 35, his x mark.
Way genarwah minish (Tagos), age 70, his x mark.
Warbishkee gah tig, age 76, his x mark.
Ozar we ge zhick (Ay yar zhaib), age 49, his x mark.
Amih kons (Little Beaver), age 71, his x mark.
Amih kah wa gar bow (Oshkee now), age 70, his x mark.
Sargohnahk kosh kung, age 66, his x mark.
Muh kuh day muh quoh (Black Bear), age 72, his x mark.
Ozar we be nace (Yellow Thunder), age 52, his x mark.
Kar barboym way we tung, age 50, his x mark.
Kar way ota tanact, age 49, his x mark.
Panaysee kar onabit, age 72, his x mark.
Kar wah bah nink way (White Head), age 34, his x mark.
Nine par nah zha kud, age 30, his x mark.
Kay bay yosh shee, age 22, his x mark.
Mede Moyea, age 26, his x mark.
Sas swain (Henri Potra), age 67, his x mark.

Tche peain, age 23, his x mark.
Peh twah win nind, age 30, his x mark.
Kay nah way ne me got, age 32, his x mark.
Shay shay way gwan aib, age 40, his x mark.
Pahd way we tung, age 33, his x mark.
Penaysee karpay zhi got, age 29, his x mark.
Mis quang gay, age 27, his x mark.
Kar kay be zhe kee, age 22, his x mark.
Kag gah dje gwan, age 71.
Kip pid dway osh, age 50, his x mark.
Kee zhe gwaib, age 38, his x mark.
Miss sanz zee, age 40, his x mark.
Kar bay nar ge sit, age 48, his x mark.
Tip bishko dje ge zhi go winin, age 32, his x mark.
Pay bah marsh, age 55, his x mark.
Kay gar nowin ens (Little Long Horn), age 30, his x mark.
Kar min o gwan ay osh, age 40, his x mark.
Tching way way ge zhick, age 38, his x mark.
Ke gitoo was sin (Speaking Rock), age 30, his x mark.
George, Manito wih tar gos, age 36, his x mark.
Mayzhark arm way we tung, age 58, his x mark.

Attest:

[County court seal.]

JOHN B. RENO.
CUTHBERT GRANT.

Son of Char kee tarn (Elzior Parisien), age 43, his x mark.
Sewonk kon (Jean Louis Fayan), age 64, his x mark.
Mar yarm mons? (Louis Lafontain), age 49, his x mark.
Min nah gay (Pierre Lafontain), age 40, his x mark.
Kee tar kiss (William Fayan), age 40, his x mark.
Bon om (Antoine Bouvier), age 38, his x mark.
Par pee tchee (Hermas Demontigm), age 38, his x mark.
Bates shish (Jean B. te Valley), age 59, his x mark.

An neep (Louis Decoteau), age 53, his x mark.
Ne mi gwan nis (Zachari Mallatair), age 34, his x mark.
Oke mar shish (Onezin Hool), age 35, his x mark.
Pierre Lambert, age 36, his x mark.
Tchee zo zay (Joseph Laverdure), age 55, his x mark.
Tchee we yam (William Davis), age 46, his x mark.
Tchee day vis (Leandre Davis), age 22, his x mark.
Mung ge sheegan (Jerome Davis), age 40, his x mark.

Barnah bee (Theophil Martin), age 42, his x mark.
 Zoo may (Alex Azure), age 37, his x mark.
 Kar yeus (Joseph Delorme), age 50, his x mark.
 Son of Kar yeus (Francious Delorme), age 18, his x mark.
 Son of Boin ence (Baptiste Davis), age 43, his x mark.
 Parisien, age 39, his x mark.

Attest:

[County court seal.]

Parkah harh quon (Eleonore McKoy), age 46, his x mark.
 Akark o djees (John Belgard), age 22, his x mark.
 Mash kos sew (Joseph Davis), age 30, his x mark.
 Wah poohk (Alex. Baston), age 22, his x mark.
 Wah benoh mung (Michael Laroque), age 22, his x mark.
 Le petit (Michel Laroque), age 21, his x mark.
 Augustin Lambert, age 42, his x mark.
 Com capetaïn (Joseph Delorme), age 42, his x mark.
 Bay ris (Corbett Grant) age 57, his x mark.
 Bay ris shish (William Grant), age 19, his x mark.
 War bah nah nee (Louis Belgarde), age 32, his x mark.
 Kar ne powish tar wat (Elie Falcon), age 43, his x mark.
 Marrah koo tay (Pierre Paul), age 58, his x mark.
 Sarn son (Solomon Paul), age 25, his x mark.

Attest:

[County court seal.]

Ome mees (Francois Mimie), age 63, his x mark.
 Boin ence (Baptiste Davis), age 72, his x mark.
 Kug kay dway wash kung (William Leandre Davis), age 68, his x mark.
 Tche pean (Pierre Levayee), age 33, his x mark.
 Assin nee boyn (Pierre Peltier), age 77, his x mark.
 Assin nee boyn ens (Berard Peltier, jr.), age 50, his x mark.
 Paul Peltier, jr., age 54, his x mark.
 Mash koo pee meesh (Alexander Hool), age 44, his x mark.
 La voyi (Michel Alard), age 49, his x mark.
 Wee sug (Louis Davis, jr.), age 21, his x mark.
 Nap pugg (Francois Davis, jr.), age 19, his x mark.

Pooh yar kar (St. Pierre Gladue), age 54, his x mark.
 Jerome Parisien, age 33, his x mark.
 Charlens.
 Charlens (Charles Demontigony), age 46, his x mark.
 Annee ko she zam (Corbette Bereier), age 36, his x mark.
 Morse Bereier, age 38, his x mark.
 William Bercier, age 35, his x mark.

JOHN B. RENO.

CUTHBERT GRANT.

Sharl la grace (Charles Page), age 56, his x mark.
 Alex Morin, age 56, his x mark.
 Mar pay shish (Jeremie Mallatair), age 39, his x mark.
 Fo toosh (Antoine Azure), age 68, his x mark.
 Peyay shish (Charles Azure), age 75, his x mark.
 Pin dar nash (Francis Honore), age 70, his x mark.
 Sharllens (Charles Azure), age 55, his x mark.
 Arke wen zee (Louis Decoteau), age 75, his x mark.
 Nee kar nis (Moise Wallette), age 29, his x mark.
 Me she town ish (Berard Ah gah quaye), age 30, his x mark.
 Mih keenoo tens (Francis McLand), age 55, his x mark.
 Wisarko day inini (Augustin Le Fort), age 26, his x mark.
 Abrah mish (Abram Boyee) age 46, his x mark.

JOHN B. RENO.

CUTHBERT GRANT.

Pah dway we dung (Louis Lenoire), age 30, his x mark.
 Kih tche inini (Michel Le noire), age 21, his x mark.
 William Warren, age 21, his x mark.
 Osh kah way (Abrah Honore), age 39, his x mark.
 Pierre St. Germin, age 60, his x mark.
 Pauleon Andre, age 36, his x mark.
 Pug un auhk (Alexandre Davis), age 39, his x mark.
 Karn nar dah (Antoine Unean) age 59, his x mark.
 War be zeens (Francis Swan), age 32, his x mark.
 Peep pe shaish (Francois Janotte), age 85, his x mark.
 Frederick Janotte, age 85, his x mark.
 Alexandre Unean, jr., age 27, his x mark.
 Ne gon e be nais (James Azure), age 28, his x mark.

Su serde surrett (Gabriel Portra), age 68,
his x mark.
War be zee (Frederick Swan), age 43,
his x mark.

Attest:

[County court seal.]

Mih tigomish (Laurent Duchene), age 34,
his x mark.
Sharl loo (Charles Packnode), age 59,
his x mark.
Baptiste Unean, age 25, his x mark.
Nub un ay gar bou (Michel Davis), age 37,
his x mark.
Tchee quan (Charles Gladue), age 22,
his x mark.
Tche quon ence (Charles Gladue), age 62,
his x mark.
Pah tee no de we (Corbette Patnode), age
57, his x mark.
Nud bay shish (Norbert Landrie), age 21,
his x mark.
Mush kar o say (Alexis Zaste), age 53,
his x mark.
Pat tee tit (Jean Baptiste Bercier), age 62,
his x mark.
Tchee moy eez (Moise Azure), age 33,
his x mark.
Kay kay quosh (Jean Baptiste Martel),
age 24, his x mark.
Tchee zanvalee (Jean Baptiste Valley),
age 53, his x mark.

Attest:

[County court seal.]

Son of Tchee kee tarn (David Parisien),
age 28, his x mark.
Tchee kee tam ens (Boniface Parisien),
age 22, his x mark.
Jean Batees Langer, age 38, his x mark.
Leon Lafrenier, age 35, his x mark.
Kin wah tig gons (Patrick Grandbois), age
26, his x mark.
Andree shish (Andre Morin), age 23, his
x mark.
Roger Morin, age 28, his x mark.
Kih tchee nor bay (Pierre Morin), age 47,
his x mark.
Osh kin oway (George Frederick), age 25,
his x mark.
Tah ko shish (Joseph Boneau), age 63,
his x mark.
Ish quork kee zons (Louis Zeanorr), age
18, his x mark.
Son of Levier Laroque (Antoine La-
roque), age 26, his x mark.
Son of Tchar karn (Roderick Short), age
32, his x mark.
Son of Andre (Isidore Morin), age 22,
his x mark.
Nap pah kee tche quonish (Pierre Laven-
dure), age 51, his x mark.

Attest:

[County court seal.]

Francois Packnode, age 27, his x mark.
Cour cur (Joseph Poitra), age 30, his x
mark.

JOHN B. RENO.

CUTHBERT GRANT.

Pierre Paul, age 27, his x mark.
Kin wahte go zee (Isidore Grandbois),
age 39, his x mark.
Izadore Azure, age 30, his x mark.
View gar song (Joseph Gladus), age 45,
his x mark.
Wees quoy (Francois Fournier), age 65,
his x mark.
Wee we yarn (Norbert Fournier, jr.),
age 22, his x mark.
Boin ace inah (Alexis Malataire), age 29,
his x mark.
Frank Nome, age 26, his x mark.
Mah tchar min (Joseph Azure), age 63,
his x mark.
Ke way ke new (Benjamin Azure), age
25, his x mark.
Andre St. Germin, age 60, his x mark.
France St. Germin, age 26, his x mark.
Maxinr Andre, age 36, his x mark.
Tchee kee tarn (Ignacius Parisien), age
68, his x mark.
Sharl garde (Charles Barston), age 27,
his x mark.

JOHN RENO.

CUTHBERT GRANT.

Las swis (Gabriel Potrat), age 46, his x
mark.
Son of Las swis (Alfred Potrait), age 20,
his x mark.
Watch amush (Exavier Thibert), age 53,
his x mark.
Ohk kan nish (Jean Baptiste Laingan),
age 51, his x mark.
See see dje won (Francios Laingain), age
49, his x mark.
Nap pe win (Charles Laviolette), age 40,
his x mark.
Tcho pee chee (Oliver Laroc), age 30, his
x mark.
Son of Tche mar nay (Job Falcon), age
36, his x mark.
Francios Laingain, age 20, his x mark.
Lil Ley (James Williams), age 25, his x
mark.
Kakinotoop (Frank Demary), age 49, his
x mark.
Kay bay o ge mah (Joseph Lafornese),
age 32, his x mark.
Obe quod aince (Patien Lafornese), age
22, his x mark.
Pah gway cub (John Azure), age 19, his
x mark.

JOHN RENO.

CUTHBERT GRANT.

Mamais se sip (Alexandre Sayere), age 24, his x mark.
 Song law (Joseph Sayere), age 26, his x mark.
 Joseph Fleurie, age 66, his x mark.
 Andre Fleurie, age 28, his x mark.
 Wid don (Louis Vallee), age 35, his x mark.
 Kih tchee ozhoop (Pierre Thibert), age 25, his x mark.
 Kar kar naish (Francios Morin), age 56, his x mark.
 Louis Allary, age 35, his x mark.
 Antoine Gonville, age 54, his x mark.
 Pet tchee ton (Joseph Brazoo), age 23, his x mark.
 Pas ko tail (Star McDeliss), age 42, his x mark.
 Kar kikam mick (Alexandre Larwque), age 45, his x mark.
 Osh kee now wens (Germeie Le doux), age 27, his x mark.
 Tchee gus toosh (Kilaface Briere), age 36, his x mark.
 Ome mee (Antoine Dejarlais), age 37, his x mark.

Attest:

[County court seal.]

Tchoo wan do (Jacob Laviollette), age 21, his x mark.
 Man ne tous (Albert Laviolette), age 31, his x mark.
 Meh quah tiss (Stanislas Goslin), age 40, his x mark.
 Pierre St. Germain, age 24, his x mark.
 Frank St. Germain, age 26, his x mark.
 Patriee Demontenee, age 32, his x mark.
 Osh ke nar wins (Jaspard Janotte, jr.), age 27, his x mark.
 Mee shee tay (William John Janotte), age 20, his x mark.
 Nur bay shish (Pierre Janotte), age 60, his x mark.
 Nar may we nini (Louis Richard), age 56, his x mark.
 William Richard, age 56, his x mark.
 Hyacinth Richard, age 20, his x mark.
 Louis Patnode, age 32, his x mark.

Attest:

[County court seal.]

Pierre Fyan, age 24, his x mark.
 Antoine Paul, age 34, his x mark.
 Ah zhow e ge shig (St. Pierre Laverdure), age 28, his x mark.
 Was sarh kaish (Casimere Bouvier), age 43, his x mark.
 Pierre Lizotte, age 40, his x mark.
 Louis Lizotte, age 40, his x mark.
 Pip pee shaish (J. Baptiste Janotte), age 38, his x mark.
 Jos Lizotte, age 27, his x mark.

Tobie Morin, age 19, his x mark.
 Osh kee now (Leon Janotte), age 25, his x mark.
 Mish quom meesh (Alexandre Janotte, jr.), age 20, his x mark.
 War bish tee gwan (John Frothier), age 29, his x mark.
 Ine ne wish (Joseph Morriseau), age 22, his x mark.
 Alexis Gonville, age 80, his x mark.
 Patrie Morriseau, age 27, his x mark.
 Tcheer Kuhk (Joseph Demarais), age 56, his x mark.
 In de bay we ne ne (Antoine Gauslin), age 22, his x mark.
 Nay tow o say (Jonas Azure), age 32, his x mark.
 Obe sane ge shig (Antoine Azure), age 41, his x mark.
 Pierre Medeliss, age 18, his x mark.
 William Fleury, age 21, his x mark.
 Bay bah o nub (Francois Potnode), age 23, his x mark.
 Tay banse gay (Samson Patnode), age 23, his x mark.

JOHN RENO.

CUTHBERT GRANT.

La Glaire Boneau, age 40, his x mark.
 John Richard, age 18, his x mark.
 Alphonse Slater, age 25, his x mark.
 Joseph Paul, age 23, his x mark.
 Kee yash koo shish (Charles Ross, sr.), age 58, his x mark.
 Charles Ross, jr., age 23, his x mark.
 To toosh (William Ross), age 20, his x mark.
 Carbet Janotte, age 23, his x mark.
 Michel Langan, age 38, his x mark.
 Joseph Langan, age 35, his x mark.
 Edward Langan, age 24, his x mark.
 Guillaume Langan, age 30, his x mark.
 Joseph Holl, age 32, his x mark.
 Ah zhe day aush (Francois Dauphinais), age 43, his x mark.
 Mee gwon (Gaspard Janotte, sr.), age 46, his x mark.
 James Laroque, age 21, his x mark.

JOHN B. RENO.

CUTHBERT GRANT.

Joe Diome, age 27, his x mark.
 J. Baptiste Doime, age 24, his x mark.
 William Allard, age 25, his x mark.
 Abram Hool, age 27, his x mark.
 John Slater, age 18, his x mark.
 Ojib wanice (Galisse St. Arneau), age 24, his x mark.
 Mayn se daish kung (Alex St. Arneau), age 52, his mark.
 Abraham Morin, age 40, his x mark.
 Pierre Morin, age 18, his x mark.

George Janotte, age 18, his x mark.
 Arkee winini (Alexandre Janotte, sr.),
 age 53, his x mark.
 Kar tah koo zit (Donald Short), age 28,
 his x mark.
 Ping gan (Rimeau Laroque), age 23, his x
 mark.
 Chonz (John Hayes), age 27, his x mark.
 Tchee non (Charles Potras), age 50, his x
 mark.
 Ko tah mash (Modest Potras), age 28,
 his x mark.
 May zha ke gwan abe (Zachari Potrat),
 age 31, his x mark.

Attest:

[County court seal.]

Knee crosch (Joseph Potra), age 36, his x
 mark.
 Tchee kas son (Henri Potwt), age 37, his x
 mark.
 Oza we dject (Bastien Potrat), age 32, his
 x mark.
 Sharl lens (Charles Potra), age 25, his x
 mark.
 Lip tchee (Napoleon Potra), age 22, his x
 mark.
 Obe zan e ke shiz (Theodore Belgrade),
 age 67, his x mark.
 Omud diz (Maxim Lefort), age 28, his x
 mark.

JOHN B. RENO.
 CUTHBERT GRANT.

NO. XXV.

DOCUMENT No. 16.

[File No. 6435, Indian Office, Inclos. No. X, 1894.]

[1] In re claim of the Turtle Mountain Band of the Pembina Chippewa Indians
 against the United States Government.

MINUTES OF THE COUNCIL PROCEEDINGS OF DECEMBER 6 AND 8, 1893.

Pursuant to public notice given and published according to the usages, customs, laws, and traditions, the said Turtle Mountain Band of the Pembina Chippewa Indians, assembled in council at the church of the Catholic mission upon the Turtle Mountain Indian Reservation, in the county of Rollette, in the State of North [2] Dakota, on Wednesday, December 6th, 1893, at the hour of twelve noon of said day, for the purpose of hearing the report of their attorney, John B. Bottineau, relative to the prosecution and the status of their claim against the United States Government for title to lands in the State of North Dakota, and to take such other and further action or deliberation thereon as may be required and to transact such other business as may come before said council.

At the opening of said assembly Jean Bte. Davis, sr. (Boinince), was duly selected [3] and appointed to preside, John B. Reno acting as secretary; John B. Ledeaule was duly appointed interpreter and Peter Marcelais as assistant interpreter. Mr. E. W. Brenner, the farmer in charge of said Indians, and Rev. Father J. F. Malo, the resident Catholic pastor, both being present at the request of said assembly and council. John B. Bottineau, as the attorney of said Indians, then submitted his report to said assembly by first presenting and distributing among them in said council copies of the printed report of the agreement made with the [4] Turtle Mountain Indian commission, viz, Executive Document No. 229, House of Representatives, 52nd Congress, second session, and explained to them that said printed report of said agreement by said commission was still pending in said Congress unacted upon.

He then presented to said council, in connection with the commissioners' report aforesaid, the protest executed by the Chief Little Shell and his councilmen, on behalf of his tribe, protesting against the ratification of the agreement aforesaid, which protest was duly filed with the Hon. Commissioner of Indian Affairs at Washington, D. C., and explained that no action could or would be had by Congress upon the [5] commissioners' report of said agreement without a hearing and consideration of their said protest.

After discussing and explaining the status of both said Chippewa commissioners' report, and that of their protest, he asked them, the said Turtle Mountain Indians, in said council assembled, to either accept the said reported agreement by said commissioners or to reject and repudiate the same; and if they rejected said agreement, they were asked to approve and confirm said protest, together with all other acts and other proceedings had, done, and performed, or that they had caused to be done and performed, by their chief, Little Shell, and his councilmen on behalf of the tribe, [6] said Turtle Mountain Band of the Pembina Chippewa Indians, in the prosecution of their said claim against the United States Government; and to approve and confirm the same, and the means employed by them in the employment of him, the said

John B. Bottineau, as their counselor and attorney at law, to prosecute their said claim to its final adjudication and settlement; approving and confirming all acts, matters, and things done and performed by said chief and his councilmen on behalf of said tribe, and all acts and proceedings by him, the said John B. Bottineau, as their attorney in the prosecution of said claim.

[7] He also asked said Indians in said council assembled that if they, by their deliberations, accept, approve, and confirm said acts, matters, and things and proceedings done and performed by said Chief Little Shell and his councilmen, and by him, their said attorney, as aforesaid, on behalf of their tribe, then to name a delegation composed of the chief and headmen and their other representative men of the tribe, say five full-blood and two mixed-blood Indians, as delegates, who shall be vested with full power and authority to appear before any of the Federal courts, or any officer or executive department of the United States Government or any bureau thereof, or before the United States Congress or any committee thereof, or any commissioner which may be created or appointed, and there to prosecute their claim as their case may require.

And to enter into any negotiations by treaty, or agreement, or otherwise, and to execute any instrument whatsoever as may be required for and on behalf of said Turtle Mountain Band of the Pembina Chippewa Indians, or to appear before any judge of a court of record, and to perform any and all acts or execute any instrument which may be required to secure to their said attorney the necessary means to [9] fully carry out the prosecution of their said claim according to the intent and spirit of these resolutions, which delegation should be in readiness and be prepared to proceed at any time when called upon to perform the duties required of them as aforesaid.

After submitting the foregoing report and request for deliberation by said Indians, in said council assembled, he also explained to the assembly the importance to them of bringing forward any and all other matters of business or regulations of whatsoever kind or nature which might need regulation or adjustment by said council; fully explaining to them the importance of availing themselves of the opportunity of such a large representative body of the tribe as now assembled to do so.

[10] At this stage of the proceedings Mr. E. W. Brenner, the farmer in charge, announced to the assembly that he had a letter which he had received from the United States Indian agent, Hall, which stated, "That Mr. Bottineau, their attorney, had called upon him on his way to this agency, and asked him to be present at this council, but that he could not possibly come, and requested said Brenner to be present in his place," hence his presence there. The appreciation of that body in hearing from their agent by that letter acknowledging the invitation extended to him and the desire of the Indians to have their agent present, was fully demonstrated by their [11] expressions of "Ho! ho! ho!" Mr. Brenner then excused himself, saying that he had pressing business to attend to, and went to his office.

After a moment's silence, Red Thunder took the floor and spoke, reviewing the action of the U. S. Chippewa Commissioners and of Major Waugh's committee, condemning in outspoken language and terms the said reported agreement, Boinence Davis, Ozhawashko he nay shea, Teheeweyam Davis, and several others speaking upon the same strain. After repeated calls made by the chairman for further remarks, and by several from the audience, no one appearing to say anything further, [12] the chairman offered the question as a motion to the assembly for a vote, viz, Question: "That the said treaty or agreement which was reported by the Turtle Mountain Chippewa Commission be, and is hereby, forever rejected and repudiated; and that said protest and all acts, actions, matters, and things, or proceedings, had done, and performed, or caused to be done and performed, by the Chief Little Shell, and his councilmen, for and on behalf of the Turtle Mountain Band of the Pembina Chippewa Indians, in the prosecution of their said claim is hereby approved; also confirming the appointment and employment of John B. Bottineau as their attorney at law; and all acts, actions, or proceedings by him had or done and performed in [13] prosecuting said claim, be, and is hereby, accepted, approved, and confirmed."

After the question and motion was read three times the chair submitted it for a vote, to wit: "All of those being in favor of said motion to express it by raising his hand," which was done; those to the contrary, none; it being unanimous, the chair announced, "Adopted."

The question of nominating the delegates was then presented to the assembly for their deliberation; after a short discussion pro and con, as to the proper number to name, and how they should be named, it was finally left to the Chief Little Shell, to name five full and two mixed-blood Indians as such delegates, together with an [14] interpreter. The chief then named the following representative men of his tribe, with himself, as such delegates, to wit: 1st. Ay abe way we tung (Little Shell), chief. 2nd. Misko be naice (Red Thunder), chief soldat. 3rd. Ozhawashko be nay shea (Yellow Bird), councilman. 4th. Oshkeena wince (The Young Man), coun-

cilman. 5th. Sasswain or Henrie Poitra. 6th. Kug kay dway washkung, or William Davis. Also named John B. Ledeaule as the interpreter, and Charles Bottineau to assist him, and to act as the chief's premier councilman, and said that he would request three more delegates which he would select when time came.

[15] The Chair then submitted to the assembly for its action and confirmation the foregoing names as announced by the chief, to constitute said delegation; and said above-named individuals are constituted and appointed delegates, vested with all the powers and authority to do and act in all matters and things whatsoever, for and on behalf of the said Turtle Mountain Band of the Pembina Chippewa Indians, to fully carry out the spirit and intent of these proceedings, and in the prosecution of their claim against the United States Government; no one appearing to have anything further to [16] say, the Chair put the question as a motion to a vote as follows: "Those in favor of its adoption to express himself by raising his hand," which was done; those to the contrary, none; it being unanimous, the Chair announced, "Adopted."

Tchewilliam Davis again took the floor and said:

"There is now existing a so-called committee of thirty-two, composed of sixteen full-blood and sixteen mixed-blood Indians, which has been unlawfully created and supported by Major Waugh, our ex-United States Indian agent, which committee was so created and supported by said agent against the wishes or approval of the tribe in council assembled; and therefore was unlawfully claiming existence, and that it was proper at this time, while the tribe was assembled together in such a [22*] large body in council, to act upon that question and dispose of it, either to approve or reject and repudiate it, and to appoint such a committee with such modification as the assembly might see fit and proper."

Several members of the tribe having expressed their views in the same strain, it being quite late in the evening, motion was made to adjourn the meeting to Friday, December 8th, 1893, at noon of said day, to convene at the same place, and there to discuss the question of the committee, and to finish up all other business which might come before said assembly. The assembly then adjourned as aforesaid.

Adjourned by—

JEAN BTE. (his x mark) DAVIS,
Chairman.

JOHN B. RENO, *Secretary.*

JOHN B. LEDEAULT,
Interpreter and Assistant Clerk.

PETER MARCELAIS,
Assistant Interpreter.

[23] At the adjourned meeting at the Catholic Mission Church upon the Turtle Mountain Reservation this 8th day of December, 1893, at noon of said day the chairman, Jean Bte. Davis, ordered a count of the members then being present, which was done, and the Chair announced to the assembly that there was one hundred and twenty-three (123) members of the tribe present, including the chief, Little Shell, and his councilmen, and that it constituted a quorum; and therefore called the assembly to come to order. The Rev. Father J. F. Malo being present, a messenger was detailed to go and invite Mr. E. W. Brenner, the farmer in charge, to come and be present [24] at this adjourned meeting at the request of said assembly. The messenger soon returned with his message undelivered to Mr. Brenner, and reported to the council that Mr. Brenner had gone out of the reservation on business to Rolla, N. Dak. The chairman then ordered the assembly to proceed to business. Upon motion made, Louis Lenoir and Charles Gladun were named to assist the chairman in presiding over the assembly, and to assist the chairman in counting the votes, and they took their seats as such assistant presiding officers.

Ozhar washko be nay shea, or Yellow Bird, then got up and made the following complaint, and said:

[25] "Last spring at the time when the lightning and thunder first sounded and echoed, I was with my son Nodin near the town of Bottineau, this State, making our spring hunt, and on that evening returning to our camp wet and tired, when a white man appeared in my son's [Nodin] camp with a bottle of intoxicating liquor [firewater], and being asked his name, he said his name was Johnson, and he asked for a cup or glass, which was given to him, and he filled it with the liquor out of the bottle and gave it to me [Yellow Bird] to drink, which I did. He then refilled the cup and gave it to my [Yellow Bird] wife, and refilled it and gave it to my [Yellow Bird] son Nodin to drink, which each did drink; there being present Yellow Bird [26] and his wife and said son Nodin, his wife and his nephew, Pieon, a boy of thirteen years old. After each of them had taken a drink, except said son's wife and

* Folios 17 to 21 ordered eliminated as not germane to the merits hereof.

the boy, he, said Johnson, refilled the cup with the liquor and passed it again to me [Yellow Bird] and to my wife, which we did drink; but at that moment Yellow Bird cautioned his son Nodin not to drink, and keep sober; he [Yellow Bird], before losing his mind from the effects of the liquor, took his own moccasins and gave them to the white man [said Johnson], being according to the customs of the Indians on such occasions; the effects of the liquor laid him up drunk; the result was the white man skipped after deliberately murdering his said son Nodin by stabbing him in [27] several places, the mortal wound being a cut with his [Johnson's] knife across the abdomen below the chest, which disemboweled his son, who expired soon after. This cold-blooded murder being committed by the hand of this white man, Johnson, in the presence of the murdered man's wife and his nephew, said thirteen-year-old boy, they being perfectly sober.

"The cry of the boy and of the wife of his [Yellow Bird] murdered son awakened him [Yellow Bird], when they, himself, and his said murdered son's wife immediately reported the facts to the authorities and police of said town of Bottineau, and though they made all sorts of promises to prosecute the assassin, the murderer has [28] been permitted to go free without punishment."

Wherefore be it expressed publicly by this assembly that we, the Turtle Mountain Band of the Pembina Chippewa Indians, do by these proceedings hereby resolve that we censure the United States Government, by its authorities, as well as the State officers, as culpable in having grossly neglected the prosecution and punishment of said murderer; and we do hereby deprecate the further neglect of such prosecution and punishment of said murderer, which was fully reported to and within the knowledge [29] of the honorable Commissioner of Indian Affairs and the Department of the Interior at Washington, D. C.; and be it further resolved, that it is the sense of this assembly that unless efforts are made to prosecute this murderer and bring him to trial and punishment, the relatives of said murdered man would be justified in avenging this wrong.

In expressing these feelings, however, it is not our intention to take the laws in our own hands, but to demand that justice may be done in the matter. It is hereby resolved that our attorney, John B. Bottineau, be, and he is hereby, authorized to press the matter for the prosecution and punishment of said murderer. The foregoing complaint being submitted to the audience as a motion for its adoption, the vote [30] was expressed by the raising of the hand, no one dissenting, and, being unanimous, the chair announced the same "adopted."

Andre St. Germain then presented in the council for action a letter which he received, dated at the United States land office at Devils Lake, N. D., November 28th, 1893, addressed to Francis St. Germain, his nephew, St. John, N. D., which reads:

"Sir: You are advised that this office has rendered an opinion in the contest of Edward Whade vs. J. B. Longevin and Andrew St. Germain, involving the S. $\frac{1}{4}$ of the NE. $\frac{1}{4}$, lots 1 and 2, sec. 3, T. 163, R. 70. Our opinion is in favor of Uhde, it [31] appearing from the testimony submitted that you are not an American Indian. Thirty days are allowed in which to appeal.

"Respectfully,

"J. E. SHELLEY, *Register*."

This letter, together with three others of the same date and nature, addressed to Andre St. Germain, J. B. Longevin, and Rose Trothier, respectively, were submitted and delivered to the secretary of the assembly, who marked each letter Exhibit A, B, C, and D, respectively, for identification, and stated that the land in question is that which is not yet ceded, and which was embraced within the reservation withdrawn from white settlement by President Chester A. Arthur (vide Executive order, [32] December 21st, 1882, on page 280, Report of the Secretary of the Interior, vol. 2, part 5, H. R. Ex. Doc. 1, 48th Cong., 1st session). In pursuance of said Executive order, said Indian contestees had located their homes as Indians, but one Frank Phillip did. As claimants are informed, and really believe it to be the fact, that said Phillip had sold these Indian homestead claims to this man, Edward Uhde, said contestant, without authority, fraudulently and unlawfully, in like manner as other frauds heretofore committed by selling Indian homestead claims (lands) to bankers of this, Rolette County, which unlawful acts are now being prosecuted, and we appeal to this assembly to authorize our said attorney to take such steps and action as may further justice in the matter.

[33] The chair submitted these statements, appeals, and requests to the assembly as a motion, viz: "That the same be, and is hereby, referred to our attorney, John B. Bottineau, with full authority to act on behalf of said individual claimants and the tribe." It being submitted to a vote, it was passed unanimously, and the Chair announced the same "adopted."

Tchewilliam Davis then asked the assembly to discuss the question as to the standing and existence of the said so-called Major Waugh's committee of thirty-two (32) and to take such action for its approval, confirmation or rejection, or modification, if such a committee was required. The question was then thoroughly discussed by [34] the majority of the representative men of the tribe, viz, Chief Little Shell and his councilmen and others of the audience, Roger Jerome and others being present of said Major Waugh's committee, who simply remarked that so far as he, the speaker, Roger Jerome, was personally concerned, he stood by his actions as committeeman with said committee.

All the balance of the speakers were to the effect of condemning the unlawful creation and support of such a committee by said U. S. Indian Agent Waugh, which had tended to excite the tribe, and prevented them from expressing their wants, or to secure or do any business with their said Agent Waugh or the Government through [35] the proper channel and means, viz, the chief of the tribe and councilmen thereof, according to the usages, laws, and customs of the tribe. After the discussion of the subject, all participating, Tchewilliam Davis said it was proper at this time to take action by said council assembled, to reject and forever repudiate said unlawfully created committee and its doings, as well as to discuss the propriety of appointing at this council an executive committee by the tribe, whose functions and duties should be to act as the guardians and watchmen of all of the tribe's business interests, vesting them with full power and authority to act for and on behalf of the tribe, with [36] their father and guardian, the United States Indian agent, in all ordinary business matters, and upon the more important matters to work in harmony with the tribe's councilmen or the general and public councils thereof. After the matter had been discussed, the motion was made by Kug kay dway wash kung (William Davis), and seconded by Gourin Champagne, one of the Major Waugh's excommitteemen, as follows:

Motion, That the said so-called committee of thirty-two (32), created and supported by said ex-U. S. Indian Agent Waugh, be, and the same is hereby, rejected and repudiated, as being unlawfully created, supported, and brought into exist- [37] ence against the will of the majority of this tribe; and be it resolved, that an executive committee of twenty-four (24) members of the tribe, viz, twelve full-blood and twelve mixed-blood Indians, be appointed; the present assembly to name and appoint the twelve mixed bloods, who will compose part of the executive committee, and to name its chairman, and at the request of Red Thunder and Yellow Bird, the chief, Little Shell, and his braves and councilmen of the full bloods will name, at their earliest convenience, the twelve full-blood Indians who are to compose the other part of said executive committee, and to report the names of those selected to the secretary of this assembly to be entered in the minutes of these proceedings. No [38] further remarks being offered, the chair put the motion to a vote for its adoption. The vote was so taken by the raising of the hand; none dissenting, all being unanimous, the chair announced it "carried and adopted."

The chairman then ordered the assembly to proceed to name and appoint said committee of twelve mixed bloods, and the full bloods to name their said twelve committeemen; the chief, Little Shell, then submitted the following six names of the full bloods as named and appointed by them, with full power to act on behalf of the full bloods as such committeemen, with the twelve of the mixed bloods, until they, the [39] full bloods, could name and appoint the other six members thereof at some future time to fill their number, those named being as follows, to wit: (1) Kug garna way ne me got (Red Thunder's son-in-law); (2) Pay me no wash kung (Pitche-tonce); (3) Way ge ma wish kung (Ah nee nay); (4) Ayabeh tung (of Yellow Bird); (5) Way gema we gar how (son of Young Man); (6) Bonnomme (Bonhom).

Then motion was made by William Davis, seconded by Michael Laraque, that Theodore Belgarde be, and he is hereby, named and appointed as one of said committeemen. No objection being made, a vote was taken; all being unanimous, no one dissenting, the chair announced "adopted."

[40] 2nd. Motion by Sasswain Poitra, by Tchewilliam Davis, naming Totoocho, or Antoine Azure, as one of the committeemen. There being no objection presented, the nomination was submitted to a vote; all being unanimous, no one dissenting, the chair announced "adopted."

3rd. Motion by Karyence Delorne, seconded by Sasswain Poitra, naming O kit tchetah, or Joseph Lenoir, as one of the committeemen. There being no objection raised, the motion was put to a vote, no one dissenting, and the chair announced it "carried and adopted."

4th. Motion by Cuthbert Grant, seconded by Louis Lenoir, naming Cournence, or Joseph Poitra, as one of said committeemen. There being no objection raised, the motion was submitted to a vote; no one dissenting, the chair announced it "carried and adopted."

[41] 5th. Motion of Louis Lenoir, seconded by William Davis and by Theodore Belgarde, naming Baptiste Marion as one of the committeemen. No objection being raised, the motion was voted and carried, and the chair announced it "adopted."

6th. Motion by Baptiste Champagne, seconded by Sasswain, naming Abram Boyer as one of the committeemen. There being no objection raised, the motion was put to a vote, and no one dissenting, the chair announced it "adopted."

7th. Motion by Theodore Belgarde, seconded by Sasswain and Gaurin Champagne, nominating Jerome Parisien, son of Chuckatan, and no objection being raised, the [42] motion was put to a vote, and it being unanimous, the chairman announced "adopted."

8th. Motion of William Davis, seconded by Sasswain, nominating Antoine Hool, or McHerron. There being no objection, the motion was put to a vote; it being unanimous the chair declared "carried and adopted."

9th. Motion by Baptiste Champagne, seconded by Sasswain, John Vandal, of the old committee, was named. No objection being raised, the motion was put and was unanimously carried. At this point Mr. Vandal thanked the assembly for the compliment, but said that he could not accept the nomination at this time by reason of [43] being one of the old committee, and therefore declined. Baptiste Valley then named Norbert Decoteau (Red Dog), seconded by Antoine Hool. No objection being raised, the motion was put to a vote, and, being unanimous, the chairman announced "adopted."

10th. Motion by Sasswain, seconded by chief Little Shell, Tchewilliam, or William Davis, jr., was named. No objection being raised, the motion was put to a vote, and no one dissenting it was carried; the chair announced "adopted."

11th. Motion by Baptiste Davis, seconded by Sasswain Poitra, Joseph Davis (Le Foin) was named. There being no objection, the motion was put to a vote, and no one dissenting it was carried, and the chair announced "adopted."

[44] 12th. Motion by William Davis, seconded by Henrie Poitra, Joseph Hool (Tranquil) was named, and there being no objection the motion was put to a vote, and no one dissenting it was carried; the chair announced "adopted."

Motion by Gaurin Champagne, seconded by Sasswain, Tchewilliam, or William Davis, jr., was named the chairman of that executive committee. No objection was made, and the motion was voted and carried; the chair announced "adopted."

Motion by Sasswain, seconded by William Davis, junior, that a copy of the minutes of these proceedings and resolutions be furnished by our attorney, John B. Bottineau, as soon as may be possible, to our father, the Hon. Ralph Hall, United States Indian agent at Devils Lake, N. D., for his approval and guidance; and that the certificates of credentials be also furnished to the executive committee appointed this council, for presentation to our said U. S. Indian agent.

Nothing further appearing before the council, the chair announced the assembly adjourned sine die.

By JEAN BTE. DAVIS (his x mark),

President.

LOUIS LENOIR (his x mark),

First Vice-President.

CHARLES GLADUE (his x mark),

Second Vice-President.

JOHN B. RENO, *Secretary.*

JOHN B. LEDEAULT,

Interpreter and Assistant Clerk.

Signed by the chief and his councilmen, viz:

Ayabaway we tung (Little Shell), chief,
his x mark.

Misco be naice (Red Thunder), premier,
his x mark.

[46] Ozah wash ko benayshea (Yellow
Bird), his x mark.

Oshkena wence (The Young Man), his x
mark.

Bon homme (son of Ahnahkassay), his x
mark.

Sasswain Poitra, his x mark.

Kug kay dway wash kung, his x mark.

Pay dway waish kum, his x mark.

Boin ence Davis, his x mark.

Kar yence Delorme, his x mark.

Ozar wid jeet (Demarais), his x mark.

Chuc kee tarn Parisien, his x mark.

Batees Shish Valley, his x mark.

Ahkee wimini Janotte, his x mark.

Tchee kuhk (Jos. Demarais), his x mark.

Bay riss (Cuthbert Grant), seal.

Kar nah dah (Antoine Heno), his x mark.

J. Batees Gourin (Champagne), his x
mark.

[47] Ay yabeh tung (nephew of Red
Thunder), his x mark.

Kar nahar pew (son of Oshkenowence),
his x mark.

Way ge mah gar bow, his x mark.

By the executive committee, viz:

Tchewilliam Davis, chairman, his x mark.
Kug garnaway ne me got (Red Thunder's son-in-law), his x mark.
Pay me no wesh kung (Pitchetonce), his x mark.
Way ge ma wish kung (Ah nee nay), his x mark.
Ayabeh tung (of Yellow Bird), his x mark.
Way ge ma we gar bow (son of Young Man), his x mark.
Bon homme, his x mark.

By the male adults of the tribe, viz:

Ay ne we ge zhi waib (son of Cochon), his x mark.
Way ge ma nish kung, his x mark.
Mudje be nace, his x mark.
Bouyaka (Pierre Gladue), his x mark.
Kitche nah bay (P. Morin), his x mark.
Joseph Delorme (Capitaine), his x mark.
Francois Fournier, his x mark.
Tchejean Fournier, his x mark.
Charles Poitra (Baucass), his x mark.
[49] Zacharie Poitra, his x mark.
Norbert Belgarde, his x mark.
Joseph Poitra, his x mark.
Charles Poitra, his x mark.
Norbert Fournier, his x mark.
Geremie Malataire (Nah pay shish), his x mark.
Moise McCloud, his x mark.
William Corbette, his x mark.
Mah char min (Doc Azure), his x mark.
Omeé mee (Frs. Desjarlais), his x mark.
Las swiss (Gabriel Poitra), his x mark.
Nappuck (Frs. Davis), his x mark.
Sug ge maya (Corbette Packnodi), his x mark.
Sharlence Azure, his x mark.
Sewank kon, or Odjon (J. Louis Fayant), his x mark.
Oshkenow (P. Honore), his x mark.
[50] Tah kossiss (Joe Bonneau), his x mark.
Okemashish (Onezime Houle), his x mark.
Wah naming (Michell Laroque), his x mark.
Mashkow sew (Joe Davis), his x mark.
Kah nepowishta not (Elie Falcon), his x mark.
Pindah wash (Frs. Honore), his x mark.
Mihkee no tence (Frs. McCloud), his x mark.
Pahka hahk won (Lenore McKay), his x mark.
Pattee tit (J. Bte. Bercier), his x mark.
Mamais se zip (Alex. Sire), his x mark.
Nappe win (Charle Laviollette), his x mark.
Kitchee na bay (P. Morin), his x mark.
Washkoo pemish (Alex. Houle), his x mark.
Kah gah gees (L. Lafontaine), his x mark.
Louis Lafontaine (son of Kah gah gees), his x mark.

Theodore Belgarde, his x mark.
To toosh (Antoine Azure), his x mark.
Okitcheta (Jos. Lenoire), his x mark.
Courcure (Jose Poitrat), his x mark.
Batisence Marion, his x mark.
[48] Abram Boyer, his x mark.
Jerome Parisien, his x mark.
Antoine Hool (McHerron), his x mark.
Norbert Decoteau (Red Dog), his x mark.
Joseph Davis (Le Fain), his x mark.
Joseph Hool (Tranquille), his x mark.

Kah zhehka day porttuck (Antoine Gunville), his x mark.
[51] Nahpug ozhoo gon (Jeroem Davis), his x mark.
Francois Degarlais (son of Omeé mee), his x mark.
Frederic Janotte, his x mark.
Hyacinth Ricard, his x mark.
James Degarlais, his x mark.
Joseph Martain, his x mark.
Baptiste Davis (son of Boinence), his x mark.
Alexander Davis, his x mark.
Michel Davis, his x mark.
Louis Davis (Kay paishk), his x mark.
Napoleon Latraille, his x mark.
William Davis, jr., his x mark.
Urbain Delorme, his x mark.
Joseph Delorme, his x mark.
Charles Rosse, jr., his x mark.
[52] William Ross (To toosh), his x mark.
Pierre Fayant, his x mark.
Joseph Demarais, his x mark.
Joseph Poitra (Nee crosch), his x mark.
Charle Poitra (Sharlence), his x mark.
Gerome Parisien, his x mark.
St. Pierre Azure, his x mark.
Eli Vivier, his x mark.
Pierre Morin, his x mark.
Augustin Lambert, his x mark.
Pierre Lambert, his x mark.
Michel Langan, his x mark.
Louis Honore, his x mark.
Louis Langan, his x mark.
Baptiste Uneau, his x mark.
Leandre Davis, his x mark.
[53] Jean Baptiste Martel, his x mark.
Joseph Azure, his x mark.
Pierre Paul, his x mark.
Michel Alord (La voy), his x mark.
Andre St. Germain (Wah be dee), his x mark.
Pierre St. Germain, his x mark.
Alexandre Morin, his x mark.
Andre Fleurie, his x mark.
Joseph Fleurie, his x mark.
Frederic Janotte, his x mark.
Benjamin Azure, his x mark.
Jacob Belgarde, his x mark.
Casimire Bovier, his x mark.
Thomas Petit, his x mark.
Isador Azure, his x mark.
Lagloire Bonneau, his x mark.

[54] Louis Honore, his x mark.
 Antoine Azure (To touche), his x mark.
 Andre Azure, his x mark.
 Antoine Houle (Makaron), his x mark.
 Charle Houle, his x mark.
 Joseph Lenoir (Okitchitah), his x mark.
 Pierre McCloud, his x mark.
 Baptiste Dubois, his x mark.
 Jean Baptiste Duboise, jr., his x mark.
 Norbert Duboise, his x mark.
 Alexandre Duboise, his x mark.
 Napoleon Duboise, his x mark.
 Francois Soine, his x mark.
 Louis Richard, his x mark.
 John Richard, his x mark.
 Antoine Paul, his x mark.
 [55] Abram Boyer, his x mark.
 Alfred Boyer, his x mark.
 Isador Grandboise, his x mark.
 Theodore Belgarde, his x mark.
 Olivier Laroque, his x mark.
 Theodore Belgarde, jr., his x mark.
 Louis Belgarde, his x mark.
 Joseph Belgarde, his x mark.
 Abram Houle, his x mark.
 John Houle, his x mark.
 William Morin, his x mark.
 Baptiste Houle, his x mark.
 Francois Janotte (Pippeshaish), his x mark.
 Charles Packnode, his x mark.
 John Morin, his x mark.
 Francois Jete.
 [56] Francois Delorme, his x mark.
 Alexandre Azure, his x mark.
 Michel Lenoir, his x mark.
 Louis Champagne, his x mark.
 John M. Champagne, his x mark.
 Louis Lenoir, his x mark.
 Edward Lenoir, his x mark.
 Alexander Janotte, his x mark.
 John Bte. Janotte, his x mark.
 Gabriel Poitra (Las swiss), his x mark.
 Alfred Poitra (son of Las swiss), his x mark.
 John Turrecotte (Jean Bte.), his x mark.
 Joseph Martel, his x mark.
 Patrice Grandbois, his x mark.
 John Bte. Homme, his x mark.
 Francois Homme, his x mark.
 [57] William Richard, his x mark.
 Antoine Azure, his x mark.
 Norbert Houle, his x mark.
 Augustin Lefort, his x mark.
 Corbert Bercier, his x mark.
 Francois Bercier, his x mark.
 William Bercier, his x mark.
 Peter Charette, his x mark.
 Louis Packnode, his x mark.
 Francois Morin, his x mark.
 Tobie Morin, his x mark.
 Francois Dophinais, his x mark.
 Francois St. Germain, his x mark.
 John Bte. Champagne, his x mark.
 Cleophase Briere, his x mark.
 Francois Packnode, his x mark.
 [58] Moise Bercier, his x mark.

Ambroise Wallet, his x mark.
 James Azure, his x mark.
 Alexie Laverdure, his x mark.
 Louis Leezotte, his x mark.
 Joseph Leezotte, his x mark.
 Geremie Primeau, his x mark.
 Michel Laroque, his x mark.
 Baptiste Champagne, his x mark.
 Antoine Uneau, his x mark.
 Hyacinth Parisien (Sha ke tan), his x mark.
 Antoine Uneau, jr., his x mark.
 Alexandre Uneau, his x mark.
 Louis Uneau, his x mark.
 David Parisien, his x mark.
 Bonaface Parisien, his x mark.
 [59] Edward Parisien, his x mark.
 Exar Parisien, his x mark.
 Joseph McKay, his x mark.
 William McKay, his x mark.
 Louis Valle, his x mark.
 Cuthbert Houle, his x mark.
 Aleck Laroque, his x mark.
 Aleck Morin, his x mark.
 Francois Langan, his x mark.
 Joseph Houle, jr., his x mark.
 Francois Demarais, his x mark.
 Jacob Laviollette, his x mark.
 Albert Lavaillette, his x mark.
 George Janotte, his x mark.
 Joseph McCloud, his x mark.
 Daniel Lilley, his x mark.
 [60] Joseph Delorme, his x mark.
 Charle Gladue, his x mark.
 Exeor Bercier, his x mark.
 Cuthbert Grant [SEAL].
 Joseph Bercier, his x mark.
 Joseph Primeau, his x mark.
 Joseph Houle, his x mark.
 Louis Lafontaine, sr. (Kah gah kees), his x mark.
 Louis Lafontaine, jr., his x mark.
 Baptiste Lafontaine, his x mark.
 Exeor Lafontaine, his x mark.
 St. Pierre Lafontaine, his x mark.
 Ambroise Lafontaine, his x mark.
 Louis Lafontaine, his x mark.
 Joseph Bercier, his x mark.
 Jas. Bercier, his x mark.
 [61] Norbert Decoteau, his x mark.
 Joseph Decoteau, his x mark.
 Frank Decoteau, his x mark.
 James Decoteau, his x mark.
 Exeor McCloud, his x mark.
 Baptiste Decoteau, his x mark.
 Patrice Decoteau, his x mark.
 Daniel Decoteau, his x mark.
 Alexandre Decoteau, his x mark.
 Andrew Decoteau, his x mark.
 Moses Decoteau, his x mark.
 Zacharie Malaterre, his x mark.
 Joseph Poitra (Nee croche), his x mark.
 Jean Baptiste Valle, jr., his x mark.
 Alexis Malaterre, his x mark.
 Jean Baptiste Valle, his x mark.
 [62] Alexisi Petiton, his x mark.
 Basil Petitou, his x mark.

Leon Lafriniere, his x mark.

Joseph Lafriniere, his x mark.

Theophile Martin (Barnabay), his x mark.

Henrie Poitra, jr. (Tchegasson), his x mark.

Bastin Poitra, his x mark.

Pauleon Poitra (Liptchee), his x mark.

In presence of—

JEAN BTE. DAVIS, his x mark, *President.*

LOUIS LENOIRE, his x mark, *First Vice-President.*

CHARLES GLAUDUE, his x mark, *Second Vice-President.*

JOHN B. RENO,

Secretary.

JOHN B. LEDEAULT,

Interpreter and Assistant Clerk.

[63] I, John B. Ledeault, do hereby certify on honor that I have interpreted by translating all the words spoken in English to the Chippewa language, and all such words spoken in the Indian language, and fully explaining to the assembly all matters and things entered into the minutes of the foregoing proceedings, and do further certify that I have assisted in the clerical work with the secretary thereof, and the same are true and correct in every respect to my personal knowledge.

JOHN B. LEDEAULT,

Interpreter and Asst. Clerk.

[64]

ATTESTATION.

BELCOURT P. O., TURTLE MOUNTAIN, N. D.,

Dec. 18, 1893.

I do hereby certify on honor that I have attended and witnessed the deliberations of the Turtle Mountain Band of the Pembina Chippewa Indians in council assembled, which deliberations are detailed in the accompanying papers of the minutes of said council; which deliberations are correctly recorded by the secretary, John B. Reno.

I do further certify that that meeting or assembly fully represented a great majority of said tribe.

In testimony thereof I sign—

Rev. J. F. MALO,

P. and M^{ry} of Chippewas.

CITY OF WASHINGTON,

District of Columbia, ss:

Personally appeared before me, the undersigned authority, John B. Bottineau, of Minneapolis, Minnesota, who, being duly sworn according to law, deposes and says: "At the city of Devils Lake, in the State of North Dakota, on the 22nd day of December, 1893, I caused copies of the foregoing minutes of the council proceedings of the Turtle Mountain Indian council, held at their agency on the 6th and 8th days of December, 1893, to be made from the original minutes thereof, as given me by said Indians, a copy of which was properly mailed, and postage prepaid by me, addressed to Honorable Ralph Hall, U. S. Indian agent, Fort Totten, N. D., as requested by said Indians." (See fol. 45 of the council proceedings.)

J. B. BOTTINEAU.

Subscribed and sworn to before me this seventh day of December, A. D. 1894.

[SEAL.]

JOHN J. WILMARTH,

Notary Public, D. C.

NO. XXVI.

OFFICIAL PAPER.

[By Mr. R. V. Belt, chief of the Indian Division, Department of the Interior, containing historical information relating to the Turtle Mountain Indians. Compiled for the information of the honorable Secretary of the Interior November 13, 1888, and entitled The Turtle Mountain Chippewas.]

The Chippewas are of the Algonquin tribe, migrating from the East in the sixteenth or seventeenth century; they first settled near the Falls of St. Mary, from which point they gradually passed westward, and eventually compelled the Dakota Nation to

abandon its ancient seat around the head waters of the Mississippi, whose rice lakes and hunting grounds the Chippewas at this day possess, and beyond to the Red River of the North. The Ojibewas and Crees of the far northwest are branches of the same great people. (I. O. report 1849, p. 93.)

THE SIOUX.

The tribes of Dakota and Aztec origin (in 1680) then possessed the land from the head waters of the Mississippi almost uninterruptedly to the Arkansas, except that a portion of the Illinois Nation occupied the Desmoine country to a considerable distance up that river, and the Kithigami are marked as dwelling on the Mississippi opposite the Wisconsin. When the Dakota bands now in the West had thus abandoned or were driven from the Upper Mississippi a large extent of country was left unoccupied, except by occasional hunting parties of the Chippewas or of the lower Dakotas. The present Sioux of the plains and their temporary successors, the Osaukies (Sacs), having been finally expelled from around the head waters of the Mississippi, the Chippewas took permanent possession of the country and have ever since retained it, pushing their conquests still westward into the Red River of the North, and transmitting from parent to child hereditary warfare with the Bwanacs of the southwest. (I. O. report 1849, p. 77.)

Lewis & Clarke, in their narrative, give the following account of the condition of the Dakota Nation in 1803:

"Almost the whole of that vast tract of country between the Mississippi, the Red River of Lake Winnipeg, the Saskarshawan, and the Missouri is loosely occupied by a great nation, whose primitive name is Darcota, but who are called Sioux by the French, Sues by the English. Their original seats were on the Mississippi, but they have gradually spread themselves abroad and become subdivided into numerous tribes. Of these what may be considered as the Darcotas or the Mindawarcarton or Minowakanton, known to the French by the name of the Gens du Lac, or People of the Lake. Their residence is on both sides of the Mississippi, near the Falls of St. Anthony, and the probable number of their warriors about 300. Above them, on the river St. Peter, is the Wahpatone, a smaller band of nearly 200 men; and still farther up the same river, below the Yellow Wood River, are the Wahpatootas, or Gens de Feuillas, an inferior band of not more than 150 men, while the source of the St. Peter is occupied by the Sissitones, a band consisting of about 200 warriors.

"These bands rarely, if ever, approach the Missouri, which is occupied by their kinsmen, the Yanktons and Tetons. The Yanktons are of two tribes—those of the plains are rather of the North, and a wandering race of about 500 men, who roam over the plains at the heads of the Jacques, the Sioux, and the Red rivers, and those of the South, who possess the country between the Jacques and the Sioux rivers, and the Desmoines; but the bands of the Sioux most known on the Missouri are the Tetons. The first who are met on ascending the Missouri are the tribe called, by the French, Tetons of the Bois Brulé, or burned wood, who reside on both sides of the Missouri, about White and Tetons rivers, and number 200 warriors. Above them on the Missouri are the Teton Okandandes, a band of 100 men, living below the Cheyenne River, between which and the Wetashoo River is a third band called Teton or Winnekanozzo, of nearly 250 men; and below the Waweconne is the fourth and last tribe of Tetons, of about 300 men, called the Teton Saone. Northward of these, between the Assiniboines and the Missouri, are the two bands of Assiniboines; one on the Mouse River of about 200 men, and called Assiniboine Menatopa; the other residing on both sides of White River, called by the French Gens de Feuilles, and amounting to 250 men. Beyond these a band of Assiniboines of 450 and called the Big Devils, wandering on the heads of Milk Porcupine, and Martha rivers; while still farther to the north are seen two bands of the same nation, one of 500 and the other of 200, roving on the Saskashawan. Those Assiniboines are recognized by a similarity of language and by tradition as descendants or seceders from the Sioux, though often at war are still acknowledged as relations. The Sioux themselves, though scattered, meet annually on the Jacques; those on the Missouri trading with those on the Mississippi." (I. O. report 1849, p. 87.)

August 19, 1825 (7 Stat., 272), a treaty was made with the Sioux, Chippewas, etc., and the boundary lines between said nations were defined. By this treaty the Red River of the North, from Buffalo River to the Goose River, was made the northern portion of the boundary line between said nations, the Government thus recognizing the rights of the Chippewas to land as far west as the Red River of the North.

On September 20, 1851, under the provision of the act of September 30, 1850 (9 Stat., 556), a treaty was made with the Chippewas (which was not ratified by Congress) by which they agreed to cede certain lands in Minnesota. The commis-

sioners making this treaty, instead of taking this point on the Red River at the mouth of Goose River (a point defined by the treaty of 1825) as the boundary between the Sioux and Chippewas, "pass to the westerly source of the Goose River, following the south branch thereof, thence northwardly in a direct line to the British line," etc. In describing the territory agreed to be ceded, Governor Ramsey, one of the commissioners who made the treaty, says:

"Besides fixing the price and mode of payment, I deemed it my duty, in adjusting the other details of this treaty with the Chippewas, to keep in view the same leading feature of the Government policy which dictated many of the stipulations of the Sioux treaties at Mendota and Traverse des Sioux, to wit, to induce their early adoption of the habits of civilized life as their only guaranty against utter extinction at a not very remote period, as well as the only effectual means of lessening the cares of Government in regard to them. The first step toward bringing about this desirable result was unquestionably to put a final stop to their old hereditary war with the Sioux. But it was apparent that, so long as their territories joined, these tribes would have constant pretexts for hostilities in alleged or actual encroachments upon each other's lands. It was considered, therefore, important in determining the boundaries of the new purchase that the lands thereby acquired on the east side of the Red River should connect on the south with the country recently ceded by the Sioux. This, with much difficulty and opposition from the Indians, was accomplished, though nearly at the risk of effecting no treaty at all, they alleging the injuries that they had received from the Sioux and contending that they ought not to be 'fenced in,' as they termed it, from the opportunity of retaliating. I regard this as one of the most desirable features of the treaty.

"To facilitate further the grand leading object before mentioned, namely, their civilization, it has been a favorite scheme of the Government to collect the scattered bands of the Chippewas, both east and west of the Mississippi, and concentrate them in the country about the heads of that river. Here they could be settled for all time to come, their lands being entirely unsuited and undesirable for white occupation. Here Government could deal with them as one people; easily restrain them from war, remote as they would be from all opportunity of engaging in it; and merging all annuities received by isolated bands into a common fund, and the lands claimed by each band into a common property of the nation, the work of civilization and improvement could then proceed with some reasonable hopes of success. In furtherance of this scheme the article was inserted which provides for the union of the bands, parties to this treaty, with other bands of Chippewas, and for holding all lands and annuities in common whenever the United States shall secure from the latter a reciprocal agreement. Not more than 300 Chippewas roam beyond the western boundary of the present purchase, and it is thought it would not be difficult to induce them to unite with the rest of the tribe whenever it is concentrated in the manner proposed." (I. O. report, 1851, p. 25.)

Prior to this time the Indian agents called the attention of the Government to the constant trespassing of the half-breeds from the possessions of the Hudson Bay Company upon our territory, where they destroy immense numbers of buffalo, thus depriving the half-breeds within our lines on the Red River of the North and our Indians of the proper and rightful provisions which nature has so bountifully provided nearly exclusively within the precincts of the American soil. These half-breeds are for the most part Crees and Chippewas.

Gen. Isaac J. Stevens, appointed in 1853 governor and superintendent of Indian affairs of Washington Territory, was assigned to the duty of exploring a route for a railroad from the sources of the Mississippi to the Puget Sound. (I. O. report, 1853, p. 215.) His report in relation to the Indians on the route is found in Indian Office report for 1854, page 184, from which the following extracts are made:

"The first Indians whom I met in numbers on our route were the Assinaboines, who range west of the Sioux Indians."

"A frequent subject of complaint with the Assinaboines, in their conversations with us, was the encroachment of the Red River hunters or half-breeds, who make annual hunting excursions from Pembina, on the Red River, to the Indian hunting ground. They range the country from east of the Red River to the Mouse River Valley, and going in large parties, severely restrict the means of subsistence of the Assinaboines and the Sioux. On the 17th of July a small party of Prairie Chippewas visited me for the purpose of having a talk. * * * They bitterly complained of of the Red River half-breeds, whom they charged with exterminating the buffalo, and killing much more than supplied their necessities, merely for the tongues and robes."

"On the 16th of July I met a band of the Red River hunters on one of their hunting excursions. The train consisted of 824 carts, some 1,200 animals, and about 1,300 persons, men, women, and children."

"This party are residents of Pembina and its vicinity, on the Pembina River and in the Pembina Mountain. Whilst at home they engage in agriculture, cultivating their farms and raising their crops of wheat, corn, potatoes, and barley. * * * They are generally accompanied on their trip by their priests; even in the field they strictly adhere to their devotion; having exercises each Sabbath, on which day they never march or hunt."

"In the early part of the year till the middle of June their people work at agriculture, when they set out on their first hunt, leaving some 30 at the settlement in charge of their farms, houses, stocks, etc., and their families start off southward to hunt the buffalo, accompanied as in this instance, with all their carts, animals, etc. These carts when loaded contain about 800 pounds, and the men as they fill their own assist to fill other carts, some owning many more than the others."

"In the present train there were 336, men of whom over 300 were hunters. Each hunt, of which there are two in a year, lasts about two months; the first starting in June, the latter about the last of September."

"The Red River settlements are made up of a population mostly of half-breeds, traders of the Hudson Bay Company and the Fur Company, discharged employees of these companies, and Indians—representing every nation of Europe, Scotch, English, Irish, Canadians. They speak a jargon made up of these dialects, intermingled with Chippewa and Sioux, 'patois French,' being the prevailing tongue. The settlements, starting some twenty-five years ago, only now number in the vicinity of (Pembina Mountain alone) some 4,000."

"On the 22d of July I met another train of the Red River hunters from the vicinity, Selkirk settlement. This party was under the charge of Governor De L'Orme, whom, with several of their principal men, I invited to an entertainment at my camp. Upon conversing with Governor De L'Orme and his associates, I was very favorably impressed with the views they expressed as to their right to hunt in our territory, they being residents of the territory on both sides of the boundary line. They claim the protection of both Governments, and the doubt as to the position of the boundary makes them uncertain as to the Government upon which they have the most claim. During the hunting season they carry with them their families and their property. Many children are born during these expeditions, and they consider that children born upon our soils during the transit possess the heritage of American citizens. Strongly impressed in favor of American institutions, they desire to be noticed by our Government, and feel a desire to meet and confer with a commissioner sent by it to treat with them. My own opinion is, that while they have no fee simple in the soil, they have the same right and title which our Government has acknowledged the Indian tribes to possess—a right of occupation for the purpose of hunting, etc. With but little care our Government could obtain the whole of these people as citizens."

* * * * *

In October, 1863, a treaty was made with the Chippewas (13 Stats., 667) by which they ceded certain lands in Minnesota and Dakota. This cession covers the lands in Dakota ceded by the unratified treaty in 1851. The boundaries of this cession of territory are thus described:

"Beginning at the point where the international boundary between the United States and the British Possessions intersects the shore of the Lake of the Woods, thence in a direct line southwardly to the head of Thief River; thence down the main channel of said Thief River to its mouth on the Red Lake River; thence in a southeasterly direction, in a direct line toward the head of Wild Rice River, to the point where such line would intersect the northwestern boundary of a tract ceded to the United States by a treaty concluded at Washington, on the twenty-second day of February, in the year eighteen hundred and fifty-five, with the Mississippi, Pillager, and Lake Winnebigoishish bands of Chippewa Indians; thence along the said boundary line of the said cession to the mouth of Wild Rice River; thence up the main channel of the Red River to the mouth of the Cheyenne; thence up the main channel of the Cheyenne River to Poplar Grove; thence in a direct line to the Place of Stumps, otherwise called Lake Chicot; thence in a direct line to the head of the main branch of Salt River; thence in a direct line due north to the point where such line would intersect the international boundaries aforesaid; thence eastwardly along said boundary to the place of the beginning."

The United States thus recognizing the rights of the Chippewa to lands west of the Red River of the North.

This treaty was concluded at the old crossing of Red Lake River, Minnesota, on the 2d day of October, 1863, by Alexander Ramsey and A. C. Morrill, commissioners.

From the journal of the commissioners the following extracts are made:

September 22, 1863.—To-day the Pembina Indians arrived, bringing in their train

nearly twice their own number in half-breeds from St. Joseph, who insisted in regarding themselves as individually and collectively the guardians and attorneys of the Pembina Chippewas in all matters touching the disposition of their landed interests. (p. 3.)

“The chiefs are named as follows:

“Red Lake chiefs: Monsomo, or Moose Dung; Kaw wash ke ne kay, or Broken Arm; Little Rock; May dwa gun on ind, or He that is spoken to; Leading Feather.

“Pembina chiefs: Misco muk quah, or Red Bear; Ase anse, or Little Shell, otherwise called Little Chief.

“An enumeration was taken of the various bands. They were counted in their lodges, where they were assembled by their chiefs for the purpose, with the following result:

Chief.	Indians.	Half-breeds.	Total.
Little Chief.....	27	442	469
Red Bear	325	221	546
Moose Dung	210		210
Little Rock	92		92
May dwa gun on ind.	193	24	217
Broken Arm.....		84	84
Total			1,618

Pembina Indians.....	352	Pembina half-breeds.....	663
Red Lake Indians	495	Red Lake half-breeds.....	108

(p. 38.)

September 29, 1863.—Little Rock says: * * * “It has been a long time since we have made up our minds what we are going to do and say; not only myself, but all the chiefs and braves. My friend, just over there 1 mile from this road [pointing to the Pembina trail crossing the river], is the line I have fixed for the home of my children, and beyond the line we will live. From the line of that cession that my relatives have ceded to you, there is where I have fixed my stake. I follow the line I have stated to Tamarack Creek, and there I go in a straight line to the Lake of the Woods, and I call that my line. That piece of land [pointing eastward] is the place where I intend to live. I follow that line down Tamarack River, and from there I follow it up to Salt River to the head of Salt River, and from there I follow it to the Place of the Stumps, and from there I strike down to Poplar Grove, and from there I go to the Cheyenne and follow the Cheyenne River down its channel to its mouth, which I claim as our line.” (p. 47.)

“Mr. Ramsey, what do they mean by proposing to sell me a country which does not belong to them? To my certain knowledge the Sioux are on the Cheyenne more than they are.” (p. 49.)

* * * * *
 “Little Rock, I want to tell you about that tract of country you spoke of, occupied by a tribe that speaks a different language. My friend, I want you to fully understand how we came to own this land. Yes, my friend, you told the truth; this land used to belong to the Sioux, and so did the Red Lake. While the Sioux were in quiet possession of that country my ancestors had not laid down the tomahawk; we drove them, as it were, toward the Rocky Mountains, and when we had driven them off, then we claimed the land as our own. Talk about the Sioux owning that land more than we do! We can show you our camp all along the Cheyenne River; we hunt down there always. It is so still. We still hunt on that land, and we never want to shake hands with the tribe you have mentioned. It is only because you have driven them away in confusion that we can not reach them.” (p. 52.)

“A lengthy discussion was held in reference to the boundaries, especially their claim to the Cheyenne as a boundary and the treaty of Prairie du Chein, in 1825, was produced in proof that the boundary between the Sioux and Chippewas was Goose River. One old chief was present who had been a party to that treaty. He said the chiefs of different tribes there assembled—Sioux, Chippewas, Winnebagoes, etc.—were set opposite to each other and sand spread on the ground between them. On this sand each chief marked the line he claimed. When the Chippewa marked his line, the Sioux erased it, and so on, when an arbitrary line was fixed by the commissioners as compromise between the parties.” (p. 59.)

“Little Rock grew eloquent in defense of the claim of the Red Lakers to the Cheyenne as a boundary. He said, ‘Whenever our people go to hunt for the Sioux, they

do not find them on the Cheyenne, but have to go beyond. The bones of the Chippewas are scattered all along the Cheyenne River, and that is the reason we consider it belongs to us; but you have scattered the Sioux so badly we have reason to suppose there will be no dispute about boundary." (p. 60.)

September 30, 1863.—An interview was had with the Pembina chiefs; inquiries were made as to the boundaries of the country claimed by them. It was found that they had until recently held the country in common with the Red Lake Indians, but when they were assembled at the Grand Forks last year to make a treaty, they had agreed upon a division line. They claimed all the country north of the line described by Little Rock as the northern boundary of the Red Lake Indians, and extended west to Devils Lake, to the Missouri, Coteau, and Mouse rivers. A more particular description of the country claimed by them is as follows: "From the point where the British boundary intersects the Lake of the Woods; thence to the head of Tamarack River; thence down said river to its mouth; thence up to the Red River to Salt River; thence up the main channel of Salt River to its head; thence in a direct line to the Place of Stumps (Lake Chicot); thence in a direct line to Poplar Grove; thence in a direct line to the Cheyenne River; thence up the main channel of the Cheyenne River to a point about which they could not agree among themselves, to Dog House, a hill of the Missouri Coteau; thence north to the Mouse River; thence along Mouse River to the British boundary; thence to the place of beginning. They proposed to reserve all the country west of a line running from Poplar Grove to the head of Salt River, and thence due north to the British boundary as a hunting ground." (p. 62.)

"Little Chief had made up his mind to treat the matter, he said, as it had been treated before. He had a right to talk about the Pembina country, as his father owned all that country, but had come here with his mind made up to cede the country from the timber on the Red River on both sides to the heads of the streams, as had been done before when he (Mr. Ramsey) made a treaty with them at Pembina. After some further conversation it was agreed to adopt the line referred to."

"Red Bear was asked what sort of a reservation he wanted. He described a strip of land running along the north side of the Pembina from Red River to St. Joseph, which, in fact, includes the most valuable portion of the country, covering the site of Pembina and many valuable farms occupied by settlers. The many objections to this was explained to them; also that the country west of the western boundary would be held in common by both bands. A reservation of 640 acres was offered the chief; a great deal of discussion was had upon this point, and it was finally agreed to." (P. 64.)

"It was then agreed to give a farm to each of their half-breed relatives." (P. 65.)

Governor Ramsey, in transmitting the treaty and journal, reports as follows:

"It will be seen that nearly two-thirds of the whole Pembina delegation were half-breeds, who came unbidden under color of their relationship to the Indians to billet themselves upon the hospitality of the Government and probably to appropriate the 'lion's share' of whatever presents or provisions might fall to the lot of their Indian friends. * * * The agent, who had been authorized to furnish subsistence for the Pembina Indians on their way to the treaty ground, gave as his excuse for bringing so large a number of uninvited guests that the Pembina Indians are completely under control of their half-breed relatives and could not have been induced to come unless accompanied by the latter, who have long been accustomed to consider themselves, to a certain extent, the real owners of the soil." (P. 4.)

"The tract of country ceded by this treaty embraces all the American valley of the Red River of the North, except a small portion previously ceded, and is estimated to contain over 11,000,000 acres of land. * * * As the lateral boundaries are defined by heads of streams the position of which is imperfectly known, its exact area can not now be ascertained." (P. 10.)

"The Pembina bands, who subsist by buffalo hunting, also retain for themselves a tract of country claimed by them embracing some of the present favorite pastures of that animal north and northwest of Devils Lake." (P. 11.)

"From the best data I could collect it is believed that the Red Lake bands number between 800 and 1,000. The Pembina bands claim from 400 to 600 more, but as the latter Indians live close upon the British border and make their homes indiscriminately on either side of the line, it is impossible to say how many of their number belong properly to the jurisdiction of that Government; and if this treaty should be carried into effect it would be necessary to institute a careful enrollment with a view to the ascertainment of this important fact, and otherwise a large accession of British Indians affiliated with the Pembina bands may be expected to claim a participation in the provisions of the treaty, and thus seriously affect the standard of annuities among the rest and inflict a gross wrong, especially upon the Red Lake bands." (P. 13.)

"I omitted to mention in its proper place that after the treaty was signed a written request was prepared by the chiefs of Pembina that the sum of \$25,000 be appropriated for the Pembina half-breeds, who had not succeeded in engrafting on the treaty the provisions for their benefit which they had desired." (P. 21.)

"It will be seen by the treaty of October 2, 1863 (13 Stats., 667), above referred to, that the half-breeds of the Red Lake and Pembina bands were not a party to the said treaty. None of them signed it. They are recognized as half-breeds or mixed bloods in Article VIII, which provides: 'In further consideration of the foregoing cession, it is hereby agreed that the United States shall grant to each male adult half-breed or mixed blood who is related by blood to the said Chippewas of the Red Lake or Pembina bands, who has adopted the habits and customs of civilized life, and who is a citizen of the United States, a homestead of 160 acres of land, to be selected at his option within the limits of the tract of country ceded to the United States or any land not previously occupied by actual settlers or covered by prior grants, the boundaries thereof to be adjusted in conformity with the lines of the official surveys when the same shall be made and with the laws and regulations of the United States affecting the location and entry of the same.'"

April 12, 1864, supplemental articles to the treaty of October 2, 1863 (13 Stats., 689), were made at Washington, D. C., Article VII of which provides: "It is further agreed by the parties hereto that in lieu of lands provided for the mixed bloods by Article VIII of said treaty concluded at the Old Crossing of Red Lake River, scrip shall be issued to such of said mixed bloods as shall so elect, which shall entitle the holder to a like amount of land, and may be located upon any of the lands ceded by said treaty, but not elsewhere, and shall be accepted by said mixed bloods in lieu of all future claims for annuities."

(Scrip was issued to 464 Red Lake and Pembina half-breed Chippewas for 160 acres each, aggregating 74,240 acres. See the Public Domain, p. 289.)

The Red Lake Reservation as it is now defined was established by the said treaty of October 2, 1863. It contains about 3,200,000 acres of land, the Indians residing on said reservation numbering about 263 Pembinas and 1,131 Red Lakes. (Statistics 1888.)

Little Shell's band (Pembina) numbered at the council of 1863, 27 Indians, 442 half-breeds; a total of 469 persons.

In 1871 the board of visitors to the Red Lake and Pembina bands at the Chippewa Agency, Minn. (I. O. Report, 1871, p. 687), Report as follows:

"The condition of the Pembina Indians, we regret to report, is deplorable and almost hopeless. They are extremely poor, and owing to the scarcity of game their means of subsistence are scanty and precarious. Although by the joint treaty with the Red Lake Indians they have a claim upon the Red Lake Reservation, the feeling which exists between the two tribes is such that they can gain no advantage from it; they cling with tenacity to their old homes. The Turtle Mountains of Dakota have long been their hunting grounds, and have never been ceded to the United States. They regard these mountains, therefore, as their own, and express a strong desire to have a reservation definitely located for them in that region before white settlers shall further encroach upon them. While the board of visitors recognize the justice of their request, we do not feel that their interests will be permanently secured if it is granted. Such a settlement will remove them still further beyond the reach and influence of the agent. It will deprive them of even the possibilities of schools and of encouragement in agricultural pursuits, and will soon doom them and their children to continued barbarism. If any satisfactory arrangement could be made which would result in their removal to the White Earth Reservation, their real interests would be greatly enhanced. Next to the want of a reservation, the relations of the Pembinas with the half-breeds render their condition deplorable. A multitude of half-breeds having no claim whatever to Government annuities, residents, many of them, of Manitoba, in past years have been enrolled as members of their families. In consequence, the Indians have been robbed yearly of their dues. At the present payment the agent succeeded in reducing the roll by excluding half-breeds unlawfully enrolled from 982 of the previous year to 547. Many half-breeds succeeded, nevertheless, in getting annuities to which they have no claim. * * * One further recommendation of a general nature your board of visitors desire to make, and we regard it of especial importance. We recommend that by purchasing land from the Mississippi Indians, the Government provide for the settlement upon the White Earth Reservation of all Indians and other bands who may be willing to remove thither. We are moved to make this recommendation by the evident importance of concentrating so far and as rapidly as possible all the Chippewas of Minnesota upon a single reserve, because of the size of the White Earth Reservation, it being amply sufficient to furnish farms for all who can be persuaded to locate upon them."

In 1872 the agent of the White Earth Agency, Minn., reports in relation to the Pembina Band (I. O. Report, p. 209) as follows:

"The Pembina Band are in much the same deplorable condition as reported last year. They have no reservation in the vicinity where most of them are trying to subsist. A portion of the band live on Turtle Mountain, in Dakota, and claim that is a portion of their country which they have never yet ceded, and they say they were living there at the time of the cession of 1864, and that their grounds are west of the line of the ceded territory. They ask that their rights in this unceded country may be recognized. According to the theory that has been generally adopted by the Government, I do not see why these Indians have not all the original Indian rights in an unceded territory. Something should be done to help these Indians out of degradation and relieve the settlers that are now coming by rail to Pembina from the annoyance of their begging and pilfering. I recommend that the Department either recognize their right to all the territory on the Turtle Mountain and give them means to farm there, or purchase a right on White Earth Reservation and order them to remove. They number, according to the roll this year, about 350 Indians and 100 half-breeds. These half-breeds might be stricken from the roll, leaving only 350 Indians to be provided for."

In 1873 \$25,000 was appropriated for the purchase of one township of land on the White Earth Reservation for the use and benefit of the Pembina Band of Chippewas, and \$10,000 in establishing them upon the White Earth Reservation. (17 Stats., 539.)

The White Earth agent, Minnesota, in 1873 (I. O. Report, 1873, p. 179), says the enrollment, but just completed, gives the following result: Pembina men, 87; women, 113; children, 196; total, 396.

"In accordance with a regulation made by the Department and the White Earth Indians, a township has been assigned to the Pembina Band of Mississippi Indians upon the Wild Rice River on this reservation, 17 miles northwest of this agency. The entire band was duly notified that the annual payment would be made this year at this township. Their extreme poverty and destitution, the great distance which they would be compelled to travel, from 150 to 300 miles, and the evil influence of men who hope to be benefited by their being paid at Pembina, prevented them from coming, with the exceptions of such as lived at Grand Forks and at other points not distant from the proposed place of payment. The balance were paid at Pembina the 26th ultimo. The Turtle Mountain Band have virtually abandoned that distant field to the Sioux, and live, as do the others, upon forbidden soil, without hope. There is neither hunting nor fishing in the vicinity of Pembina, and I would earnestly entreat the Department to secure their early removal to White Earth. By prompt action they may be saved to themselves and to the world. If neglected, their ruin is inevitable." (I. O. Report, 1873, p. 179.)

"It is evident that the true policy of the Government should be one of concentration, to bring all the Indians under my charge, with the exception of the Leech Lake Pillagers, upon White Earth Reservation, locating the Pembinas on the Wild Rice River, a township 17 miles northwest of the agency." * * * (I. O. Report, 1873, p. 182.)

In 1874 the White Earth agent reports as to the Pembinas (I. O. Report, 1874, p. 195):

"The Pembina Indians, for whom provision has been made on this reservation, have not as yet removed here to any extent. I have visited them at Pembina and have every reason to believe that the greater part of both bands will come down at the time of payment and remain." * * *

In 1876 the agent of the Devils Lake Agency, Dakota, reports that the visits of the Chippewa Indians to his agency are detrimental to civilization. (I. O. Report, 1876, p. 25.)

"The frequency of visits by Chippewas to this agency and the interchange of the visits between the Missouri Sioux, Fort Berthold, and Devils Lake Indians are very annoying, usually coming the busiest season of farm labor, when there is a scarcity of supplies at the agency, making heavy inroads upon the half-grown crops. This agency has been visited this summer by five different parties of Chippewas and one party of Mandans and Gros Ventres, numbering from 13 to 60 persons in each party, remaining for several days at each time. Such visits are productive of no good, but, on the contrary, are demoralizing, from the fact that during the whole time of their stay it is one continued feast and dance, many of our best Indians adopting paint and feathers for the time being and participating in the festivities, recounting their exploits and deeds of valor. After much speech presents are given, the visitors always receiving most of the presents, making it an object to be of the visiting party. These visits are made partly to gratify their tastes and love of travel, contracted from their life-long habits, but more particularly for the purpose of getting presents of ponies."

In 1877 the agent of the White Earth Agency (I. O. Report, 1877, p. 129) reports that 200 Pembina Indians make their home here and farm some.

"The Pembina Indians, who were settled at the same time on the Wild Rice River, 6 miles below the Otter Tail Pillagers, have done comparatively nothing. They have traveled to Pembina and back each season, having disposed of over one-half of the cattle given them by the Government, either by selling or killing them, and have traded off nearly all their new wagons for old ones.

"It is very hard to do anything with them. They should be made not only to settle on the reservation, but also to remain on the reservation, or receive no annuity."

In 1878 the agent of the White Earth Agency (I. O. Report, 1878, p. 80) says:

"The majority of the removal Pembinas, partly through mismanagement, are absent from the reservation—may have returned two or three years ago to the country they ceded to the Government—and others seeking subsistence wherever it can be found. Not having sufficient means to adequately assist them, and thereby encourage them to follow the example of the Mississippi Indians, I would suggest that ample assistance be afforded them, and all absent ones be compelled to remain on their allotted lands, which are so well adapted for the support of those who will work and are encouraged to do so."

In 1879 the agent of the White Earth Agency (I. O. Report, 1879, p. 88) says:

"The Pembina Indians, who were considered and looked upon at the time I took charge of this agency as the most worthless and indolent, are to-day as prosperous and industrious as the best."

In 1880 the agent of the White Earth Agency (I. O. Report, 1880, p. 104) says:

"A portion of the Pembina Band, numbering about 250 persons, still absent themselves from the reservation and are roaming over the Territory north and west, destitute vagabonds. No better illustration of the improved condition of the Indians upon the reservation over that of those who endeavor to subsist elsewhere could be had than the thrift, industry, and comfort of the one and the filth, idleness, and pitiful poverty of the other."

It appears from the records of the Department that on September 6, 1880, the Commissioner of the General Land Office, in view of the alleged rights of certain Indians known as the Turtle Mountain Band of Chippewas, withdrew from occupancy the lands in Dakota lying north and west of Devils Lake. (See also the Decisions of the Department of the Interior, vol. 5, p. 557.)

In 1881 the Commissioner of Indian Affairs reports on the condition of the Turtle Mountain Band of Chippewas (I. O. Report, 1881, p. "L") as follows:

"The unsettled condition of affairs with these Indians has long been a matter of deep concern, not only to the Indians themselves, but this Bureau as well. Prominent among their troubles is the uncertainty on their part as to the view held by the Government relative to the status of the lands claimed by them and the purpose of the Department in the matter of their ultimate disposal.

"The tract of country inhabited and claimed by them is north and northwest of Devils Lake, in Dakota, and is estimated to contain 9,500,000 acres. These lands have never been ceded to the United States, and the claim of the Turtle Mountain Band to ownership is based upon continuous possession and occupation by them and their ancestors for many generations.

"That the Indian title to the country in question has never been extinguished or successfully disputed can not be denied, and, according to the theory that has been adopted by the Government, it would seem that these Indians have all the original rights in an unceded territory. Effort has been made from time to time to remove them to the White Earth Reservation, in Minnesota, but they have steadfastly resisted such removal, lest the abandonment of the country claimed by them might be looked upon as a willing relinquishment of their title thereto.

"The condition of these people is deplorable in the extreme. They have no permanent abiding place, are very poor, and owing to the scarcity of game, which, indeed, may be said to have almost entirely disappeared, they have only the most scanty means of subsistence. Last year the agent at Devils Lake Agency reported that Chief Little Bull and his people were in great danger of actual starvation. Emigration is fast flowing into the country, to the great discomfort of the Indians, and they desire and have repeatedly asked protection from the Government. That their condition requires the attention of the Government is manifest. Petitions have been presented from both sides, Indians and whites, asking for a settlement of their difficulties, and I propose to make the matter the subject of a special report, with a view of securing early Congressional action looking to their permanent relief.

"I will add that the number of Indians roaming about over this vast area homeless, destitute, and almost hopeless is variously estimated at from 500 to 600 full-bloods and from 1,000 to 1,500 half-breeds."

December 19, 1881, Mr. Pettigrew introduced a bill in the House of Representatives (H. R. 1885, 47th Cong., 1st sess.) to provide for the support and civilization of the Turtle Mountain Band of Pembina Chippewa Indians and to extinguish their title to lands claimed by them in the Territory of Dakota, and on January 19, 1882, Mr. McMillan introduced a similar bill in the Senate. (S. 925, 47th Cong., 1st sess.)

December 29, 1881, Senator Windom referred certain papers relative to the status of these Indians to the Department, and asked what legislation would, in the view of the Department, be expedient.

February 14, 1882, the Indian Office replied to Senator Windom's letter, and on March 11, 1892, reported on S. 925. These reports are made part of House Report No. 1144, Forty-seventh Congress, first session. (Copy herewith.)

June 7, 1892, Indian Office again reports on S. 925, holding that these lands are Chippewa lands and not Sioux lands, and suggests that if any doubt remains as to the validity of the claim of the Chippewas to the exclusive occupancy of all of the territory claimed by them, that the commissioners provided for in the bill examine as to the title or interest of said Indians in said territory before entering into negotiations with them.

This report was not submitted to Congress, but on October 4, 1882, Secretary Teller held that the claim of the Chippewas was not well founded, but that if such claim does exist it will be the duty of the Government to make proper remuneration to the Indians; held also that nearly 10,000,000 acres of valuable land on which a great number of settlers are now located should not be withheld from the operation of the homestead and preemption laws because a question has been raised whether a small band of Indians (not exceeding 300) have a claim on this land or not. He directed the Commissioner of the General Land Office to take steps to revoke the action by which said lands are withheld from the practical operation of the laws granting settlement rights and to restore them to the mass of public lands, protecting such Indians who have made improvements or attempted to make permanent location on the land, the amount allowed to the Indians not to exceed the amount allowed to white men under settlement laws.

December 21, 1882, a reservation was established for these Indians by Executive order of December 21, 1882, in area about 32 by 24 miles. This large reservation was established temporarily until a suitable smaller tract within its lines could be selected to be set apart for the Indians. This was done by Executive order of June 3, 1884, which set apart two townships for their use and occupancy. These townships are designated as follows: Townships 162 and 163 N., R. 71 W.

The act of March 1, 1883 (22 stat. 449), appropriated \$10,000 to enable the Secretary of the Interior to establish the Turtle Mountain Band of Chippewas in permanent homes on homesteads upon the public lands, and to purchase stock, implements, and other necessities, etc.

In 1883 the Commissioner of Indian Affairs (L. O. Report, p. xlviii) reports on the conditions of these Indians as follows:

"Under date of October 4, 1882, the Department directed the General Land Office to take such steps as might be necessary to revoke the action by which that vast area of country lying north and west of Devils Lake in Dakota, heretofore claimed by the Turtle Mountain Band of Chippewas, had been withheld from the practical operation of the settlement laws, and restore the same to the public domain, subject to the restriction, however, that if there were any Indians who had made improvements, or had attempted to make permanent location on any of said lands, such Indians should be protected by having their lands withheld from white settlement until they could have an opportunity to secure title thereto. By this action a tract of country estimated to contain 9,000,000 acres was thrown open to the white settlement. Subsequently, on December 21, 1882, a tract in the vicinity of Turtle Mountain, embracing an area of about 32 miles from north to south by 24 miles from east to west, was withdrawn from settlement by Executive order, the main purpose being to secure lands upon which the Turtle Mountain Band might be severally located, either upon tracts already improved by individual Indians or upon lands to be allotted to them. For this object Congress by act of March 1, 1883, appropriated \$10,000. Steps have been taken to have the public surveys extend over said reservation with a view to the early settlements of the Indians as proposed.

"In fulfillment of a promise of the Department made to the delegation of Turtle Mountain Indians who visited this city last winter, Special Agent Cyrus Beede recently made a visit to the Turtle Mountain country under special instructions from this Bureau. He found the full bloods of the bands, numbering, as he believes, not over twenty-five families, unprepared and altogether disinclined to take lands in severalty, preferring to have a small reservation retained for them permanently. The half-breeds, on the contrary, are anxious to secure individual homesteads. As near

as he could ascertain in the absence of boundary marks, the latter are for the most part living outside the limits of the reservation along its eastern line, where it appears they are making good progress in opening farms, building houses, etc., some of them being very well to do. Inasmuch as it is the desire of the full bloods to have a small reservation retained for their use in common, I deem it advisable and therefore recommend that two townships of their present reservation to be retained as a permanent reservation for those who do not desire to take homestead. That half-breeds and full bloods who may have settled upon and improve individual tracts are protected by the instructions of the Department to the General Land Office before mentioned, and at the proper time will be assisted in securing permanent title to their lands."

In 1884 the reservation of the Turtle Mountain Indians was attached to the Devils Lake Agency, Dakota, and the agent reports (I. O. report, 1884, p. 34) as follows:

"The Turtle Mountain Reservation consists of two townships, which form the southeastern portion of the mountain and contain sufficient arable land and also sufficient timber for the use of the Indians and mixed-bloods. Thirty-one families of renegade Chippewa Indians are located on the reservation and vicinity; they are from the reservation in Minnesota and Dakota. There are also about 1,200 mixed-bloods so located who claim and imagine the Government should feed, clothe, and supply all their wants. Ten thousand dollars have been expended during the past year for the benefit of these Indians and half-breeds in provisions and agricultural implements, including 20 yoke of oxen. A warehouse, at a cost of \$400, has been erected, and a farmer's services engaged for a year to instruct them in farming and care for the provisions and Government property on the reservation.

"If poverty and ignorance in abject form are to be found in this world, I know of no better place to seek it than among the half-breeds of Turtle Mountain. With but few exceptions the half-breeds have lived on the buffalo all their lives, and now that their means of subsistence have all disappeared, I can not tell how they are to make a living without having assistance in the beginning. Fifty thousand dollars' worth of stock and farming implements would hardly supply their wants, and without it they will starve or be compelled to steal. Unless generous aid and instruction are furnished these people, the near future will see our jails and penitentiaries filled to overflowing with their prolific rising generation.

"Mixed as the half-bloods and Indians are on the same reservation and locality, I can see no prospect for doing any great good for the Indians. Liquor the half-breeds will and can get, and the liquor might just as well be sold to the Indians, for they can procure it from the half-breeds, and the officials of the Government will be smart indeed if they find out how the Indians obtain it or who furnishes it. As the matter now stands I can see no other solution of the complicated troubles than by placing the Indians on the reservations where they belong, in Minnesota, and issuing the necessary animals and implements to the half-breeds to enable them to make their own living, and throw open the reservation to settlement. They must then take their chances with the white man and his laws by 'hoeing their own row,' every man for himself."

In 1885 the Commissioner of Indian Affairs (I. O. Report, 1885, p. liii) reports, as regards to the Turtle Mountain Indians, as follows:

"Frequent reports have been received during the year of threatened hostilities on the part of the Turtle Mountain Chippewas, who have a reservation in northern Dakota near the international boundary, but investigation has failed to discover any hostile intention or the existence of undue excitement among them. The reduction of their reservation to two townships has caused some dissatisfaction, and they have asked for more land; but it is believed that they have all the land they need or will ever make use of, and as they are at liberty to make homesteads on the public domain, which many of the half-breeds have already done, I do not see the necessity for the enlargement of their reservation. If they have suffered any wrong, as is claimed, on account of the restoration to the public domain of the Turtle Mountain country, by which is meant that vast territory lying north of Devils Lake and west of the Red River of the North, the remedy is with Congress.

"Many half-breeds, who properly belong on the other side of the British line, are mixed in with our native Indians, producing discord among them and proving a constant source of annoyance to white settlers. No doubt the liberal advantage offered to our Indians in obtaining homesteads has induced many and will tempt others to come over, in the hope of securing the proffered aid and assistance. It will require the greatest care to prevent imposition of this sort. The same difficulty is experienced at other points along the international boundary.

In 1886 the agent for the Devils Lake Agency, Dakota (I. O. Report, 1886, p. 60), gives the number of Turtle Mountain Indians as follows: Full bloods, 282; half-breeds, 963; and says:

"In 1883, \$10,000 was appropriated for these people, a portion of which was expended for work oxen (20 yoke), 40 plows, 10 harrows, some hoes, axes, and other farming and household implements and utensils, and the balance in provisions. Last year some clothing was distributed to the full bloods, but no animals or implements, owing to the small amount appropriated (\$5,000), and which amount is not sufficient to furnish all the needy and poor a small ration of flour and pork, and but for the little money earned by picking dry buffalo bones many of these people would have died of actual starvation; and I must again repeat that if poverty and ignorance in an abject form are to be found in this world, I know of no better place to seek it than among the half-breeds of Turtle Mountain. This year, as \$7,000 has been appropriated for their support, I hope authority will be granted for the purchase of additional work animals and implements to work with, as they have shown a disposition and have endeavored to the best of their ability and knowledge to better their condition. They all see and understand that their future existence and welfare depend upon and can only be the result of labor, by owning and cultivating farms.

"The full-blooded Indians are opposed to taking lands in severalty, and when the half-breeds, during the summer, marked out the boundaries of their claims it looked for a time as if there would be trouble between the Indians and half-breeds, but the farmer in charge finally succeeded in restoring peace by representing to the Indians that such was the wishes of the Great Father, and that the half-breeds would be sustained, and that further opposition by the Indians might result in their expulsion from the reservation."

April 4, 1887, Acting Secretary Muldrow, in his decision above referred to in the Heman C. Green case, on appeal from the Commissioner of the General Land Office for approval of his contract for survey of these lands, which approval has alleged to have been refused because there was a dispute as to the Indian title to said lands, says that the Commissioner of Indian Affairs, on February 17, 1887, "expresses an opinion that the territory in question is unceded Indian country, but that the Turtle Mountain Band of Chippewas have some claim thereto, but thinks their claim should not be a bar to its further settlement and development; and suggests, in view of all the facts and circumstances of the case, whether it should not be best to remove all restrictions as to its settlement by resuming survey and permitting entry of the lands, leaving the claim of the Indians to be settled by Congress."

August 26, 1885, Inspector Gardner reported on the needs of these Indians, giving number of Indians on reservation as follows: Full bloods on reserve, 192; half-breeds on and off the reserve recognized as belonging to the reserve, 731; half-breeds on and off the reserve not recognized by the agent as American Indians, 400; total, 1,323, and probably 70 or 75 half-breeds absent temporarily, not included in above, making a total of about 1,400. Is of opinion all should be considered American half-breeds. Some of these Indians are poor and should be assisted in item of clothing. Recommends the small appropriation of \$5,000 for these Indians be increased to \$10,000 for two or three years. The school population is 46 full bloods and 222 half-breeds. The full bloods are Protestants; the half-breeds are Catholics.

Under date of November 3, 1887, Inspector Thomas reported on these Indians as follows:

"Their affairs are in a very unsatisfactory condition. The number of Indians and mixed bloods upon the reservation is 1,122. They are very poor and in a destitute condition. If there are not more provisions supplied them there will be great suffering and many of them will starve to death before winter is over. The reservation contains two townships; 48,060 acres, of which but about one-third is suitable for farms."

August 31, 1887, E. W. Brenner, farmer in charge of the Turtle Mountain Agency, reports (I. O. Report, 1887, p. 33):

"The census taken in June finds 153 families, 817 individuals, mixed bloods, speaking French, English, Cree, and Chippewa; 83 families, 309 individuals, full bloods, speaking Cree and Chippewa, a total of 1,126 people. This shows a decrease in number from the report of 1886, as I dropped from the roster all not living within the limits of the reserve, except 15 families of full bloods residing at Dunseith, about 11 miles from the eastern limits of the reserve, who resided there when I took charge, and who, I understand, are located where they expect a mission to be established by the Episcopalian Church. I dropped the others, as they reside in an organized county; have to pay taxes; many of them have filed on their land as citizens; most of them vote, and because we have no control over their actions whatever, and also because our supplies are so limited that a cut has to be made somewhere. * * *

"These people are almost entirely dependent on the government ration for their existence, and will continue to be so unless they are furnished with proper teams and tools. Many of them have selected their claims, where they have sufficient

land for farming and stock raising, and in fact with proper judgment to develop good homes. The faults of these people are mainly due to heedlessness and discouragement, and will disappear under proper control and renewed hopes. * * *

"In view of the fact that the reservation is overcrowded, and that it is impossible to place the full bloods so as to carry out the policy of allotting the land in severalty, I would state that there is no doubt there are many of the mixed bloods on the reserve who have no right here at all, many being of Canadian birth, or having acquired rights thereby by the same tactics they are practicing here, have them still in force or been paid for them. I have had several disputes to settle for interfering on each other's claims, in which it was asserted by one side or the other that the opponent was a Canadian, and sometimes the recriminations were mutual. That there are many claims occupied to the detriment of those having acknowledged rights I am sure. There should be a thorough examination of this matter, as the Government is badly imposed upon.

* * * * *

We have the right sort of people here to make the question of self-support a speedy success; but, with the exception of the educational facilities, everything has got to be started from the beginning. The rights of many of the people to the privileges of the reservation should be examined into first of all; then to provide land enough for the balance and allot them claims in severalty. At present we have 236 families, requiring 37,760 acres. The reserve embraces two townships (48,080 acres), of which much is hilly, stony, and cut up by patches of timber and lakes, and not much of one-third is available for the selections of such claims as are needed to make a permanent home. Then a sufficient police force to enable the agent to exercise proper control." * * *

The Commissioner of Indian Affairs in his reports to the Secretary of the Interior of February 14 and June 7, 1882, argues that these lands are Chippewa lands, because they have never been ceded to the United States, and that the claim of the Turtle Mountain Band to ownership is based upon continuous occupation by them and their ancestors for many generations.

He quotes from the journal of the commissioners who made the treaty with the Chippewas of 1863, and from the report of one of the commissioners, Governor Ramsey, that "the Pembina bands, who subsist by buffalo hunting, also retain for themselves a tract of country claimed by them, embracing some of the favorite haunts of that animal north and northwest of Devils Lake," and from a memorial of the Turtle Mountain Indians addressed to Congress—

"That their possession of this country has never been disputed by any of the neighboring or other tribes of Indians, but at all times been recognized as the country of the Turtle Mountain Band of the great Chippewa Nation, of which three Chippewas, Little Shell, grandfather, father, and son, have been principal chiefs for the last fifty years, and that they have never by general council, by their chiefs, or by any authorized delegates entered into any treaty with the United States by which they ceded any portion of their possessions."

He also states that if any of the Sioux tribes ever claimed this country all such claim was relinquished by the treaty of April 29, 1868 (15 Stats., 635), whereby they (the Sioux) relinquished all claims and rights in and to any portion of the United States or the Territories except such as is embraced within the limits aforesaid and hereinafter provided.

He quotes from the report of the commissioner appointed under the provisions of the act of June 7, 1872 (17 Stats., 281), to investigate the title and interests of the Sisseton and Wahpeton bands of Sioux Indians to the lands mentioned in article 2 of the treaty with said Indians of February 19, 1867 (15 Stats., 505), wherein they find that "the Sisseton and Wahpeton and other Indians occasionally hunted over the territory in question" (to the south of the line from Goose River to Devils Lake, to Mason du Chien, to the Missouri), "and claimed it as their hunting ground, and it is equally certain that the Chippewas occasionally, in hunting and war parties, passed over the northern portion of it."

"That in 1862 the bands of Sioux other than the Sisseton and Wahpeton bands * * * abandoned the country." * * *

That "the hunting grounds of the Indian tribes are to be regarded as much in their possession as the cleared fields of the whites are to be regarded as theirs, the legal title being in the United States, with the exclusive right to purchase or extinguish the Indian title, such legal title being subject to the possessory rights or occupancy of the Indians." (Johnson v. McIntosh, 8 Wheaton, 543; Worcester v. State of Georgia, 6 Peters, 515; Mitchell v. United States, 6 Peters Rep., 711 to 745, inclusive; 3 Kent's Com., 461 to 483.) And he argues that "Congress by act of June 22, 1874, in confirming the agreement with the Sisseton and Wahpeton bands virtually acknowl-

edged and confirmed the claim of said Indians to the lands described in article 2 of said treaty."

He refers to the unratified treaty of 1851, at Fort Laramie, which defines the boundaries of the Sioux lands. He also refers to the maps published by H. S. Tanner from 1832 to 1839, on which the lands west of the Red River and north and northwest of Devils Lake is given to the Chippewas, as well as their unquestioned locations east of said river, and says:

"It is not denied that the Sioux have in years past, in their war and hunting expeditions, penetrated the country west of Red River as far north as the British line and even into the British Possessions. They have frequently sought refuge beyond the boundary line when pursued by our troops, but that they have occupied the country north of Devils Lake in any sense that would warrant them in setting up a claim to ownership, or that they have ever pretended to claim any portion of said country, does not appear.

"I would submit that it has always been understood and held the lands lying west of the Chippewa session of 1863, and north and northwest of the line of the Sisseton and Wahpeton Indian country, as defined in article 2 of the treaty with those Indians of February 19, 1867, have never been ceded to the United States."

The Commissioner in his argument has omitted the statement of Lewis and Clark, that all this country originally belonged to the Sioux, and the settlement of Little Rock at the council of 1863, in which he admits that the country west of the river and along the Sheyenne originally belonged to the Sioux, but that the Chippewas conquered it from them.

Governor Ramsey questioned their rights on the Sheyenne River and claimed these lands as belonging to the Sioux, but there is nothing in the papers to show why he recognized the rights of the Chippewas in the lands ceded, and reported about 300 Chippewas west of the cession which should be removed to their reservation, and that they (the Pembinas) proposed to reserve all the country west of a line running from Popular Grove to the head of Salt River, and thence due north to the British boundary, as a hunting ground.

Little Shell's band, now at Turtle Mountain, was a party to the treaty of 1863. Then it numbered 27 Indians. When it located permanently at Turtle Mountain it is not known. In 1883 a special agent of the Department found at Turtle Mountain 25 families of full-blood Chippewas (Little Shell's band).

The half-breeds or mixed bloods were not recognized by the treaty of 1863 except so far as it granted "to each male adult half-breed or mixed blood * * * who has adopted the habits and customs of civilized life and who is a citizen of the United States a homestead of one hundred and sixty acres of land." This was amended by treaty of April 12, 1864, so far as to give scrip in lieu of lands to such mixed bloods as shall so elect, which scrip shall be accepted by said mixed bloods in lieu of all future claim for annuities.

The mixed-blood Pembina present at the council of 1863 numbered 663, and the General Land Office report shows that scrip has been issued to 494 of them under the provision of the treaty of 1864.

The following extract as to the native tribes of Iowa and Wisconsin is taken from an atlas published in 1838 by T. G. Bradford & Co.:

"The region between the Missouri on the west and the Mississippi and Red River on the east is almost entirely occupied by the Sioux or Naudowessies, one of the most numerous and most powerful Indian nations in the United States. They call themselves *Dacotahs* or *Confederates*, and the confederation consists of several bands of tribes, comprising about 20,000 persons, exclusive of the *Assiniboines*, a tribe of seceders, who reside mostly beyond the American boundary. The *Dacotahs* are a fierce and warlike race, the terror of their neighbors. Dwelling in vast prairies, they live chiefly by the chase, and the bison affords them at once a supply of food and a covering for their lodges; they raise some maize, pumpkins, and beans, and they employ the dog in carrying burdens. Like other prairie Indians, they have also learned the use of the horse and are bold and skillful riders. The Board of Foreign Missions have stations on Lake Harriet and Lac qui Parle, with twelve missionaries and teachers. The *Assiniboines*, or *Stone Indians*, call themselves *Eascab*, and are termed by the *Dacotahs*, with whom they are continually at war, *hobays*, or *rebels*. South of the Sioux, between the *Sesmoines* and the Iowa, are the *Sauks* and *Foxes*, confederated tribes of the great *Algonkin* stock, who have long been distinguished for their daring and restless spirit. After having fought their way from the shores of Lake Ontario to the Mississippi, they have been driven beyond that river by the Chippewas, and more recently and effectually by the American troops. The true name of the latter is *Muskuakiuk*, but they are called *Ottogamies* by the other *Algonkin* tribes, and received the name of *Renard*, or *Foxes*, from the French.

The number of both tribes is about 6,500 souls. The Iowas have mostly removed with a band of Sauks to the Indian Territory. They are reduced to a sort of dependence on the Sauks and Foxes. The Winnebagoes have lately been removed from the tract between the Mississippi and Wisconsin to the west side of the former, between the Sauks and Foxes and the Sioux; their number is about 4,500. They belong to the Sioux stock, and are called by the Canadians Puants. In the southwestern corner of the territory are about 2,000 united Ottawas, Chippewas, and Pottawatomies, who have been removed thither from Indiana and Michigan, and will soon be joined by about 3,000 of their brethren from the same region. Another portion of the Chippewas, or Ojibways, occupy the region east of the Red River and north of 45°. They belong to the Algonkin race and live in small and scattered bands on the borders of Lake Superior and the thousand smaller lakes of that region. They depend for subsistence chiefly on the wild rice (*Zizania aquatica*), the small game, and fish which abound there; but such is their indolence and so precarious their supply from these sources that they often suffer severely from scarcity and famine, spending much of time in wandering from spot to spot in search of food, which might be plentifully and readily procured by a little industry and foresight. They make cabins and canoes of the bark of the white birch (*Betula papyracea*), and also use bison skins for movable lodges. The Jesuits had several missions among them at an early period, and the American Board of Foreign Missions has lately sent some missionaries to this quarter. They number about 8,000 souls, a part of whom are within the limits of Michigan and a part in the British possessions. The Menomonies, also an Algonkin race, reside—rather wander—on the Fox, Wolf, Wisconsin, and Menomonic rivers. They were known to the French by the name of Folles Avoines, or wild-race Indians; and although they raise some corn, they still depend chiefly upon the plant, fishing, and the chase for subsistence. Their number is about 4,000. There are also some bands of the Six Nations, who emigrated thither from New York, in the vicinity of Green Bay.

Fort Snelling, a United States military post a few miles below the falls of St. Anthony, is the most remote northwestern post occupied by the troops of the confederacy. The American Fur Company have several factories and trading houses in the Chippewa country, of which the general depot is at Chegoimegon, or La Pointe, on Lake Superior. The promontory, so called, was formerly a sort of capital of the Chippewa Nation, at which resided the great chief, and where were held the grand councils of the united tribes. But the confederation has long ceased to exist. The present La Pointe of the traders is a little island in the fine bay of Chegoimegon. The Board of Foreign Missions have thirteen missionaries and teachers among the Ojibways, at La Pointe, Fon du Lac Peckagama, and on Leech Lake. The settlement of Pembina, on Red River, planted by Lord Selkirk, chiefly with Scotch highlanders, has been found to fall south of the frontier line of the United States and British America.

Principal authorities.—Pike, Expedition to the Source of the Mississippi (1810); Long, Expedition to the Source of St. Peters (1824); Schoolcraft, Travels to the Sources of the Mississippi (1821), and Expedition to Itasca Lake (1834); Lieutenant Allen, Journal in Ex. Doc. 323, Twenty-third Congress, first session; Missionary Herald; Lieutenant Lea, Notes on the Iowa District (1836); Featherstonehaugh Geological Reconnaissance from Washington to the Coteau de Prairie (1836); official documents, etc."

And the map shows the Chippewas as living in Wisconsin, and the Dacotahs, or Sioux, in Iowa.

The foregoing historical information relating to the Turtle Mountain Indians is respectfully submitted for the information of the Secretary of the Interior.

R. V. BELT, *Chief Indian Division.*

NOVEMBER 13, 1888.

NO. XXVII.

[Senate Mis. Doc. No. 75, Fifty-second Congress, first session.]

MEMORIAL OF CITIZENS OF NORTH DAKOTA, PRAYING FOR LEGISLATION AUTHORIZING THE REMOVAL OF THE CHIPPEWA INDIANS FROM TURTLE MOUNTAIN AND THE SETTLEMENT OF THEIR CLAIMS TO LANDS IN THAT REGION.

Hon. H. C. HANSBROUGH and Hon. LYMAN R. CASEY,
United States Senators from North Dakota, Washington, D. C.:

We, the undersigned, citizens of Rolette County, respectfully petition you, as representatives of the people of this State, to secure if possible some legislation that will settle forever the existing difficulties between the white settlers on one side and the

Indians and "mixed bloods" on the other, in the Turtle Mountain region of North Dakota. And in support of this our petition we respectfully submit the following facts, to wit:

All the land in the Devils Lake land district, with the exception of two townships in Rolette Co., has been opened for settlement by the Government, and settlers have been invited to come, locate, and make their homes upon said land. Thousands of the sturdy young men of other States, having the courage to endure the hardships of pioneer life, have accepted the invitation, and in many cases they have been driven from the lands they filed upon by "half breeds" or "mixed blood" Indians, who claimed the land so filed upon, notwithstanding the fact that said land was located outside of the two townships named as a reservation, and the "half breeds" or "mixed bloods" had no filing upon the same.

The Secretary of the Interior, in his last report, states officially that there are but 278 full-blood Indians on the reservation, 1,289 "mixed bloods" on reservation, and 760 "mixed bloods" that live off the reservation upon Government land. Consequently there are 760 "mixed bloods" living upon land that has been opened for settlement, who are claiming and enjoying all the rights of citizens without assuming any of the burdens. They have persistently refused to pay taxes and refused to recognize local authority in any manner whatsoever.

They have resisted warrants of arrest, and have retaken by mob violence their property when it has been distrained by law for taxes.

We do not wish to deprive those 760 "mixed bloods" of the right to become citizens of the United States, or of any of the rights pertaining thereto that they are entitled to. Neither do we wish to deprive them of any right accorded to American Indians, if in fact they are such, but we most emphatically protest against clothing them in citizen's garb while protecting them as Indians and encouraging them to resist the local authorities.

We do not blame these people for the position taken, for they have been encouraged and upheld in such position by special Government agents, and believing that such advice came from the fountain source of government, at Washington, they naturally believed and accepted such advice as final.

The official statement of the Secretary of the Interior shows upon its face that something is wrong and should be enough in itself to suggest an investigation.

We are of the opinion that all of the Indians of the United States should be treated humanely, and that the Turtle Mountain Band of Chippewa Indians should be accorded all the rights and benefits that have been extended to other tribes; they are as honest, as well-meaning, and as deserving; but, in view of the expense entailed upon the Government in the administration of our Indian affairs, the Indian Department should be careful that only Indians of the United States are thus protected and sustained, and that it is not harboring and feeding "squaw men" and their progeny that properly belong to another country.

It is self-evident that the 1,289 "mixed bloods" on the reservation and the 760 "mixed bloods" in the vicinity thereof, aggregating 2,049 "mixed blood," can not be the progeny of the 278 full bloods for the reasons—

- (1) It is a physical impossibility.
- (2) There were no white men in the vicinity of said reservation until within the last fourteen years.
- (3) The white men who settled this county do not belong to that class of men designated as "squaw men."

If, then, those "mixed bloods" aforesaid are not the progeny of said full-blood Indians, where did they originate, and why are they here?

We are of the opinion that they are the progeny of the men who were sent out by the "Hudson Bay Company" into the interior of Manitoba to trade with the Indians years ago, who, being deprived of the influences of civilization, cohabited with the Indians, and the Turtle Mt. "half breeds" and "mixed bloods" is the result.

Their baptismal certificates may be found in the church records at Winnipeg and many other places in Manitoba, and they are here because Uncle Sam's reservation is the attraction.

If they belong to the Canadian government they have no claims upon the United States as Indians, and none as citizens until they have first declared their intentions to become such.

But even if they are "mixed bloods" of the United States, of Chippewa blood, an investigation is necessary under a recent decision of the United States court, which holds that "mixed bloods" whose fathers are white are not Indians, but are also white, taking the descent from their fathers.

This being the law, an investigation is necessary for the purpose of rooting out that class, if there be any such found on reservations.

We are also of the opinion that the Turtle Mountain Reservation, in its close proximity to the international boundary line, will always be a cause for perplexing and vexatious questions arising out of the intermingling between those "mixed bloods" and Indians who rightfully belong on this side of the boundary line and those who rightfully belong on the other side.

In view of this apparent fact, we earnestly recommend that the Turtle Mountain Reservation be discontinued and that those found thereon who are rightfully wards of this Government be given a reservation in a more congenial clime, where it will cost less to support them by reason of a milder climate, where they can help to sustain themselves by hunting and fishing, and if they are entitled to any compensation for any lands in North Dakota, let whatever is reasonable be cheerfully given. Confident that whatever you do in the premises will be done in accordance with what you believe to be fair and impartial justice between man and Indian,

We are, very respectfully,

C. F. Wilbur, cashier Rolette Co. Bank; W. M. Steele, p't Rolette Co. Bank; G. M. McKay; Wm. H. Becker, State's att'y, Rolette Co., N. D.; Charles Jas. Partridge, ex-county auditor; A. McDermid, merchant; Walter Gailfus; William Mountford; J. Pinkerton, M. D.; R. D. Cowan, M. D.; A. S. McLean, sheriff of Rolette Co.; G. A. Heard, Co. coroner; J. A. Peterson, ex-register of deeds; N. O. Welkas, hotel; Frank Rosecup, butcher; John Kyle, carpenter; Andrew Smith, ex-Co. auditor; W. W. Carter, foreman of Star; C. P. Parsons, ed. of Star, Rolla, N. D.; C. A. Grohon, jeweler, Rolla; Arthur T. Sumner, Rolla; William Jolliffe, Rolla; Ren Jolliffe, Rolla; Burton Harris, Rolla; Hillis Kyle, hardware merchant; John Munro, hardware merchant; Cyrus Sullivan, Baptist minister; M. O'Laughlin, lumber ag't; Wm. H. Irvine; Jas. O'Laughlin; G. F. Galloway, J. P.; Joseph H. Switzer; William Widmeyer; Edwin Paine; Albert Switzer; William Mitchell; D. M. Mahaney; Hugh Whittaker; W. G. Engle; F. B. Gordon; A. O. Graham, Co. auditor; J. R. Carter, Rolla; Sam'l Boyd; Edson Taylor; John E. Brown, Co. sup't; Chas. R. Lyman, dep'y coll. customs; O. Skout, merchant; T. T. Shell, merchant; C. E. Scott, carpenter; A. S. Porteous, blacksmith; H. H. Fritz, clerk of dist. court; James C. Bradley, barber; A. A. Taylor, deputy sheriff; William McKay; J. C. Galloway; Lawrence Gosnell; Fred W. Shindler, deputy U. S. marshal; John Bridsto, Co. treasurer; Thos. Stageberg, reg. of deeds; John Burke, county judge, Rolette Co.

NO. XXVIII.

[Senate Doc. No. 229, Fifty-fourth Congress, first session.]

PETITION OF CITIZENS OF NORTH DAKOTA, PRAYING FOR THE RATIFICATION OF THE TREATY WITH THE TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS, RELATIVE TO THE DISPOSITION OF CERTAIN LANDS IN THE DEVILS LAKE LAND DISTRICT.

HON. H. C. HANSBROUGH, W. N. ROACH, and M. N. JOHNSON:

Whereas a commission consisting of P. J. McCumber, John W. Wilson, and W. Woodville Flemming was appointed in 1892 to investigate the claims of the Turtle Mountain Chippewa Indians to a large tract of land in the Devils Lake land district, and to ascertain from a personal investigation who were members of the Turtle Mountain Chippewa Indians; and

Whereas after due investigation said committee found a tract of land of between 8,000,000 and 10,000,000 acres lying north and west of Devils Lake, the Indian title of which has never been ceded to the Government and which is claimed by the Chippewas and their right to said land recognized by neighboring tribes. This commission was therefore forced to report that the Turtle Mountain Band of Chippewa Indians has as valid and original Indian title to this entire tract of land as any Indian tribe had to any tract. The band insists on this claim, and in support of their claim the amount agreed upon is but a meager sum as compared with what the Government has paid for the relinquishment of other lands; and

Whereas the said Turtle Mountain Band of Indians did, in 1892, enter into a treaty with said commissioners, wherein and whereby they ceded and conveyed to the United States all the claim, estate, right, and title to all land, tenements, and hereditaments situated, lying, and being in the State of North Dakota, except that tract of

land particularly mentioned and set apart by an Executive order of the President of the United States, bearing date the 3d day of June, A. D. 1884, being the reservation upon which said Turtle Mountain Indians are located; and in consideration of the cession and sale of said land the United States, by and through its commissioners, agreed to pay the said Turtle Mountain Band of Chippewa Indians the sum of \$1,000,000—\$50,000 annually for twenty years.

Now, therefore, we respectfully recommend that the treaty made as aforesaid between the said Indians and the United States be, by act of Congress, ratified, and the claims of said Indians to said land recognized and disposed of as provided by said treaty, and for such other and further legislation as may be necessary:

Name.	Business.	Name.	Business.
John Burke	State senator.	James O'Loughlin.....	Grain dealer.
John C. Hunt.....	County judge.	M. Harrison	Miller.
C. T. Wilbur	Cashier Rolette County Bank.	J. H. Lewis	Agent Great Northern Railway.
Ben Rae.....	Assistant Cashier Rolette County Bank.	S. A. Ransier.....	Farmer.
W. N. Steele	President Rolette County Bank.	Phil. J. Metler	Telegraph operator.
Jas. Dunphy.....	Superintendent of schools.	W. A. Duncan	County treasurer.
R. D. Cowan	Physician and surgeon.	Wm. H. Irvine.....	Elevator agent.
John J. McLaughlin.....	Farmer.	R. E. Rognas.....	Merchant.
James Millar	Do.	Allan Salt	Trader.
O. Skolet.....	Merchant.	H. E. Peterson	Ex-register of deeds.
T. T. Shell	Do.	John Ward	Justice of the peace.
W. J. Hoskins	Editor Turtle Mountain Star.	John Ward Irvine.....	Farmer.
W. D. Packard	Printer.	A. Charlevoix.....	Merchant.
E. A. Markell	Merchant.	A. Le Brun	Do.
Hillis Kyle	Do.	Wm. Schull.....	V. S.
Wm. Clarke	Do.	Frank Bush	Farmer.
Ira McMaster	Harness.	James W. Ward	Do.
J. E. McWilliams	Lumber.	Robert Costello.....	Do.
M. C. Laughlin	Hardware dealer.	Herman Shaver	Do.
Paul Lafrance.....	Grain buyer.	W. M. Hunt.....	Teacher.
J. A. Benoit.....	Merchant.	H. Frazier	Farmer.
J. D. Eaton.....	Publisher Turtle Mountain Times.	David Garrison	
A. McDermid	Broker.	Wm. H. Becker	District attorney.
Q. Q. Marcotte.....	Meat market.	Tom Lee	V. S. V. C.
A. Marcotte	Do.	Peter N. Peterson	Farmer.
Jerry Ford.....	Wood merchant.	J. S. Conn.....	Do.
W. Widemyer.....	Merchant.	Rev. L. A. Shiver	Catholic priest.
C. R. Gaillus	Attorney.	Alp Cuellett.....	Clerk.
W. J. Taylor	Feed stable.	William Mitchell.....	Farmer.
A. A. Taylor	Livery.	James Cook	Do.
Guido Widemyer	Grain buyer.	A. Bennet	Do.
J. Pinkerton, M. D.	Druggist.	Louis Cutter, jr.....	Do.
A. Armour.....	Farmer.	D. W. Leonard	Do.
Daniel Armour.....	Do.	O. Martin	Storekeeper.
Thomas Craig	Do.	R. C. Martin	Butcher.
W. V. Marsh	Do.	Thos. H. Ward	Farmer.
John Kyle.....	Do.	Andrew Smith	Postmaster.
L. Bush	Do.	Chas. Jolliffe.....	Farmer.
Arthur T. Sumner	Do.	R. Peyton.....	Do.
T. C. Flynn	Deputy United States marshal.	D. E. Hunt.....	Do.
N. O. Welkas.....	Hotel landlord.	J. E. Galloway	Do.
Henry Olson.....	Merchant.	John McLaughlin.....	Do.
J. E. Nelson	Do.	George Gardner	Do.
A. E. Rees.....	Do.	James Maloney, jr.....	Do.
W. Cressard	Farmer.	Geo. Hough	Do.
John Cain	Sheriff.	R. Deury	Do.
Charles Jas. Partridge ..	City clerk, Rolla, N. Dak.	A. N. Bourask.....	Commissioner of Rolette County.
A. S. McLean	City marshal.	Emil Tounard.....	
A. O. Graham	County auditor.	Alfred Planette.....	Postmaster, St. John.
Thomas Stageberg.....	Register of deeds.	Addalak Bourasse ..	Farmer.
H. H. Fritz	Clerk of district court.	Berdina Gagnon.....	Do.
M. Dealy	Bank of Rolla.	Fred Gagnom	Do.
J. E. Bradley	Barber.	Peter Thibert.....	Do.
A. Dambin	Shoemaker.	James Smith	Do.
C. G. Bennett	Jeweler.	Frank McKnight.....	Do.
Henry McIntyre.....	Carpenter.	Fred Tooke	Do.
J. E. Brown	Elevator agent.	Edward Laberge	Ex. U. S. C.
Elias Paupet.....	Farmer.	Wm. P. Hutcheson.....	Ex-postmaster.
		F. Martinson	
		Geo. Latrace.....	Farmer.
		S. B. Cameron	Blacksmith.
		Fred. W. Schindler ..	Deputy United States marshal.

NO. XXIX.

Hon. H. C. HANSBROUGH,
Devils Lake, N. Dak.:

We, the undersigned citizens of Rolette County, respectfully request you to present this petition to the honorable Secretary of the Interior, and to ask him to issue a "passport" to allow John Burke, attorney at law, of Rolla, N. Dak., to accompany John B. Bottineau to the Turtle Mountain Indian Reservation at Turtle Mountain, North Dakota, to confer with said Indians in relation to their claim against the Government for land in the Turtle Mountain country, and in support of this, our petition, we submit the following facts:

We know that said Indians have persistently claimed all the land in the Turtle Mountain country, and that such claim has been from their earliest settlement of the country a source of trouble between the Indians and the white settlers and will be until the matter is finally disposed of by the Government.

That the said John Burke has at various times represented said Indians, is familiar with their claim, and is also familiar with the claims of the settlers.

That the object of said visit is to inform the Indians of the present status of their claim in council and to consult with them in relation to their said claim and a speedy termination of the same.

We, as citizens, are in favor of abandoning the enlargement of the said reservation, and in lieu thereof favor the filing of allotments by the Indians on vacant lands outside the reservation. If the claim of said Indians to said land is valid—that is, if the territory claimed by them is theirs—they should receive just compensation therefor, in proportion to what other Indians have received for like territory. This policy has the full approval of the settlers of this country, and we make this request of you and the honorable Secretary of the Interior, hoping that through it we may have a just and speedy settlement of this much vexed question.

Respectfully,

Warren N. Steele; A. O. Graham, county auditor; T. T. Shell, county treasurer; C. I. F. Wagner, register of deeds; C. R. Gailfus, State's attorney; Chas. C. Partridge, clerk district court; Jas. Dunphy, county superintendent schools; Wm. Clarke, dealer general merchandise; E. A. Foley, clerk, general merchandise; Dr. J. W. Widmeyer; Ren Sulliffe, farmer.

ROLLA, N. DAK., *July 3, 1899.*

Hon. H. C. HANSBROUGH,
Devils Lake, N. Dak.

DEAR SENATOR: I have been associated for several years with John B. Bottineau in prosecuting the claim of the Turtle Mountain Indians, and for some reason the authorities will not permit Mr. Bottineau to visit the reservation.

It is for this reason that we present you with the inclosed petition, hoping that you will be able to assist us in the matter.

I am, yours, respectfully,

JOHN BURKE.

No. XXX.

[John Burke, attorney at law.]

ROLLA, N. DAK., *August 15, 1899.*

Senator H. C. HANSBROUGH,
Devils Lake, N. Dak.

DEAR SENATOR: Some time ago a petition was circulated here asking Congress to ratify the treaty with the Turtle Mountain Indians in 1892. I among others signed the petition. The Indians now are not satisfied with this old treaty, and the white settlers are in favor of a more liberal settlement of their claim. We believe that a settlement can be now effected. The idea of enlarging the reservation has been abandoned by Mr. Bottineau, and instead permit the Indians to file on Government lands outside the reservation where vacant. This will meet with no opposition on the part of white settlers, and they are also in favor of allowing these Indians just compensation for their lands and in proportion to what others have received for like lands. I have been trying to help Mr. Bottineau for years with his claim, and now,

for the first time, we agree as to the manner of settlement, and this is in harmony with the views of the white settlers. There are a large number of individual claims of Indians who have no money to pay attorneys, and Mr. Bottineau says that it is the custom to have an attorney appointed by the year for such cases. I have been attending to many of them for years without compensation, and if an attorney is appointed I hope you can see your way clear to give me whatever assistance you can. I am right here on the ground, and am familiar with all their claims.

Respectfully,

JOHN BURKE.

NO. XXXI.

DOCUMENT No. 8.

AFFIDAVIT OF MICHAEL GLADUE, LOCATING THE DIVIDING LINE BETWEEN THE SIOUX INDIANS AND THE TURTLE MOUNTAIN CHIPPEWA COUNTRY, AS SETTLED BETWEEN THEM, ETC.

[File No. 3665, Department of the Interior, Indian Division, May 4, 1892.]

STATE OF NORTH DAKOTA, *County of Pembina, ss:*

Personally appeared before me, a notary public within and for said county and State, Michael Gladue, who was by me first duly sworn, deposes, and says: My name is Michael Gladue; my age is sixty years; my residence is now in St. Joseph Township, Pembina County, State of North Dakota; I was born on the plains of North Dakota, within the territory of the United States, north of Devils Lake, in said State, and I have lived within said territory all my life, having followed the chase of the buffalo and other game, this being the principal products of the country in them days, for a livelihood; that during all of said time I was associated with the mixed bloods and the Chippewa Indians of the Turtle Mountain Band of the Pembina Chippewas; I was also acquainted with the adjoining tribes of Indians, to wit:

The Yankton, the Sisseton, the Wahk petons, Medaywahkanton, and other bands of the Sioux or Dakota tribe of Indians; also with the Grosventres, Crows, and Assiniboine tribe of Indians along the Missouri River that, during the period dated from a time immemorial up to a time about July, 1858, we, the said Pembina Indians, had been in war with said Dakota tribes, and from personal knowledge, being present at the time and place when the great treaty of peace was made and concluded between said mixed bloods and Chippewa Indians and said Dakota tribes, being at a point north of Sheyenne River and west of Devils Lake, about July, 1858, at which place a grand council was held. It was then and there resolved and agreed between said tribes, said Chippewas and Sioux Indians, that the Sheyenne River was then and there fixed and recognized, as had been before, to be the dividing or boundary line between said Dakota tribes and said Chippewa Indians. It was then and there further agreed by and between said tribes that should the buffalo and other games become scarce on either side for subsistence, such tribes so destitute of such game should have the privilege of crossing over said dividing line and procure such subsistence as they might find in their neighbor's country, and should be welcome by said neighbor tribe.

And it was further agreed that any depredations which might be committed by the members of either tribes against the other, in the way of horse stealing or otherwise, the same should be returned to the owners and otherwise indemnified for their damages. All of which treaty of peace and agreement has ever since been respected and complied with by said tribes to the personal knowledge of this deponent. There were present at said grand council the following-named chiefs, to wit, Mattouwakan, chief of the Yanktons; La Terre nqui brule, chief of the Sisseton Band, with a great number of their respective braves and warriors on behalf of said Dakota tribes, and Norbexxa, otherwise known as old Chief Wilkie, who was the leading chief the mixed bloods and was so respected by Chief Little Shell and the said Turtle Mountain Band of Chippewa Indians.

MICHAEL GLADUE (his x mark).

Subscribed and sworn to before me, C. Murphy, a notary public in and for said county and State, this 9th day of February, A. D. 1892.

C. MURPHY, *Notary Public.*

No. XXXII.

DOCUMENT No. 7.

AFFIDAVIT OF LOUIS LA FROMBOISE RELATIVE TO THE DIVIDING LINE BETWEEN THE SIOUX INDIANS AND THE TURTLE MOUNTAIN CHIPPEWA COUNTRY, AS SETTLED BETWEEN THEMSELVES BY TREATY.

[File No. 3665, Department of the Interior, Indian Division, May 4, 1892.]

STATE OF NORTH DAKOTA, *County of Pembina*, ss:

Personally appeared before me, a notary public within and for said county and State, Louis La Fromboise, known as "Tapage," who was by me, being duly sworn, deposes and says: My name is Louis La Fromboise; my age is (69) sixty-nine years; my residence is now at Neche, North Dakota; I was born on the plains of North Dakota, within the territory of the United States, north of Devils Lake in said State, and I have lived within said territory all my life; having followed the chase of the buffalo and other game for subsistence, this being the principal products of the country in them days for a livelihood; that during all of said time I was living with the mixed bloods and the Chippewa Indians of the Turtle Mountain Band of the Pembina Chippewas; also, was well acquainted with the adjoining tribes of Indians, to wit:

The Yankton, Sisseton, Wahkpeton, Midaywahkanton, and other bands of the Sioux or Dakota tribes of Indians; also with the Grosventres, Crows, and Assiniboine tribes of Indians along the Missouri River. That during the period dated from a time immemorial up to a time in July, 1858, we, said Chippewas, had been in war with said Dakota tribes, and from my personal knowledge do say: I was present at the time and place, when and where the great treaty of peace was made and concluded between said mixed bloods and the Chippewa Indians, and said Sioux tribes, being at a point north of the Sheyenne River and west of Devils Lake about July, 1858, at which place a grand council was held. It was then and there resolved and agreed between said tribes, said Chippewa and Sioux Indians, that the Sheyenne River (as was before settled) was fixed and recognized to be the dividing line between said Sioux or Dakota tribes and said Chippewa Indians. It was then and there further agreed by and between said tribes that should the buffalo and other game become scarce on either sides for subsistence, that the tribes who would become destitute of such game should have the privilege of crossing over said dividing line and procure such subsistence as they might find on the neighbor's country, and should be welcomed by said neighboring tribes. And it was further agreed that any depredations which might be committed by the members of either tribes against the other, in the way of horse stealing or otherwise, the same should be returned to the owners and otherwise indemnified for their damages. All of which treaty of peace and agreement was ever since respected and complied with. To the personal knowledge of deponent there were present and said council concluded among others the following chiefs, to wit:

Mattonwakan, chief of the Yanktons; La Terre qui brule, chief of the Sisseton Band, with a large number of their respective braves and warriors of said Dakota tribes, and Narbexxa, otherwise known as old Chief Wilkie, who was the leading chief of the mixed bloods and was respected as such by Chief Little Shell and by said Turtle Mountain Band of Chippewa Indians.

LOUIS LA FROMBOISE (his x mark).

Subscribed and sworn to before me, C. Murphy, a notary public in and for said county and State, this 9th day of February, A. D. 1892.

C. MURPHY, *Notary Public*.

NO. XXXIII.

In February, 1878, I presented our case to Secretary Schurz, who was so impressed by the facts laid before him that he ordered the case made special and referred to the Commissioner of Indian Affairs for his finding and report. (Vide printed letter and argument of John B. Bottineau, February, 1878, on file with the Commissioner of Indian Affairs.)

COMMISSIONER'S FINDINGS AND REPORT TO THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, May 23, 1878.*The Honorable the Secretary of the Interior.*

SIR: I have the honor to acknowledge the receipt, by your reference for report, of a letter, dated March 3, 1878, from John B. Bottineau, claiming membership in the tribe, presenting printed argument in favor of the claim of the Pembina Band of Chippewa Indians in Dakota, and asking that steps be taken for their relief.

These Indians, generally designated as the Turtle Mountain band of Chippewas, claim that their title has never been extinguished to the lands bounded on the east by the west line of the cession in the treaty of October 2, 1863 (13 Stats., 667), on the south by the Cheyenne River and a line extending west from the head waters of the same to the Grand Coteau of the Missouri Ridge, thence north to the national boundary line, embracing a part of the Rivers des Lac and the Mouse River and its valley, and on the north by said boundary line.

They ask that their title to the land within said boundaries be recognized, and that measures be taken to extinguish the same and to settle them upon land heretofore set apart for their use in the White Earth Reservation in Minnesota. Negotiations were had, but without success, at various times prior to 1863, with the Red Lake and Pembina Chippewas, for the extinguishment of their title to the lands north of the Red River in Minnesota and the Cheyenne in Dakota, and bordering the Red River of the North.

On the second of October, 1863, the Hon. Alexander Ramsey, commissioner on the part of the United States, met these Indians at the old crossing of the Red Lake River and completed negotiations whereby the Red Lake and Pembina Indians ceded to the United States, as stated in the treaty, all the lands "now owned by them in the State of Minnesota and in the Territory of Dakota within the following-described boundaries, to wit: Beginning at the point where the international boundary between the United States and the British possessions intersects the shore of the Lake of the Woods, thence in a direct line southwestwardly to the head of Thief River; thence down the main channel of said Thief River to its mouth on the Red Lake River; thence in a southeasterly direction in a direct line toward the head of Wild Rice River to the point where such line would intersect the northwestern boundary of a tract ceded to the United States by a treaty concluded at Washington on the twenty-second day of February, in the year eighteen hundred and fifty-five, with the Mississippi, Pillager, and Lake Winnebagoish band of Chippewa Indians; thence along the said boundary line of said cession to the mouth of Wild Rice River; thence up the main channel of the Red River to the mouth of the Cheyenne; thence up the main channel of the Cheyenne River to Poplar Grove; thence in a direct line to the 'Place of Stumps,' otherwise called Lake Chicot; thence in a direct line to the head of the main branch of Salt River; thence in a direct line due north to the point where said line would intersect the national boundary aforesaid; thence eastwardly along said boundary to the place of beginning."

Of the territory embraced within said cession the Red Lake Indians claimed that portion east of the Red River and the Pembinas all west of the same.

Considerable discussion was had, as appears from the journal of the proceedings of the council during the negotiations pending the treaty, a copy of an abstract of which is herewith inclosed, as to the boundaries of the territory over which the original title of the Pembinas extended. It was held against the Chippewas that the right of the Sioux to the territory between the Cheyenne and Red Rivers, as far north as Goose River, had been recognized in the treaty of Prairie du Chien in 1825. Against this the chiefs urged that the Sioux, Chippewas, and Winnebagoes present at said treaty were set opposite to each other and required to mark where the boundary was; that in setting their southern boundary Goose River was fixed by the commissioners as a compromise line between them and the Sioux, and that they not only owned the lands ceded, but all the country north of the Cheyenne and a line extending west of its head waters to the Missouri Coteau, and thence north, including Mouse River, to the British line. I also inclose an extract from the report of the Hon. Mr. Ramsey, giving a history of his negotiations in the matter, in which, after describing the country acquired by the treaty, he uses the following language:

"On the east of tract the Red River Indians still own a small strip of uncaded territory inclosing the basin of Red Lake. With the exception of a narrow border of 'hard-wood' land around the shore of the lake where the bands now have their

homes and raise small crops of corn and potatoes, the tract reserved for their future occupancy, while abounding in game, fish, fields of wild rice, and other resources adapted to the primitive wants of the Indians, is, from the nature of the surface, which may be generally described as a series of impassable swales, entirely valueless to a civilized people.

"The Pembina bands, who subsist by buffalo hunting, also retain for themselves a tract of the country claimed by them, embracing some of the favorite pastures of that animal, north and northwest of Devils Lake."

The only treaty provision, or other data conflicting with the claim of the Pembina Band to any portion of the territory named, is to be found in the treaty of February 19, 1867, in which the Sisseton and Wahpeton bands of Sioux Indians ceded the right to construct roads, &c., over the lands claimed by them, the same being bounded on the north by Goose River and a line running from the source thereof by the most westerly point of Devils Lake to the Chief Bluff at the head of James River, and within which territory, embracing a small portion of that ceded by the treaty of 1863, a reservation on the south side of Devils Lake was set aside by the treaty of 1867 for said Sioux Indians.

No effort appears to have been made to locate the Pembina bands on a reservation until the year 1871.

In a quotation in the Commissioner's annual report for 1871, page 593, taken from the report of Agent E. P. Smith, in speaking of these Indians, he says:

"The Red Lake and Pembina bands of Chippewas entered into a joint treaty in 1863, in which they ceded a part of the lands of the Red Lake and all that of the Pembinas, consequently the Pembinas are living in Dakota without any reservation, unless the Department shall recognize the claim of the Turtle Mountain Band of Pembinas, who at the time of the treaty were living west of the line of the ceded territory, and would seem to retain all the natural rights which Indians ever acquire to territory. They ask that this Turtle Mountain country shall be acknowledged to them as their reservation. The whole number of full-blood Pembina Indians will not exceed three hundred. They are a constant annoyance to the settlers at Pembina; a straggling, wretched, houseless people; some of them can be induced to settle at White Earth if provision for their removal can be made. Others will go out into the Turtle Mountains, if they can be allowed to call it their reservation."

In his report for 1873 (see Office Report, 1872, p. 209) Agent Smith says:

"The Pembina Band are in much the same deplorable condition as reported last year. They have no reservation in the vicinity where most of them are trying to subsist. A portion of the band live on Turtle Mountain, in Dakota, and claim that there is a portion of their country which they have never yet ceded; and they say they were living there at the time of the cession in 1864, and that their grounds are west of the line of the ceded territory. They ask that their rights in this unceded country may be recognized. According to the theory that has been generally adopted by the Government, I do not see why these Indians have not all the original Indian rights in an uncaded territory. Something should be done to help these Indians out of degradation and relieve the settlers that are now coming by rail to Pembina from the annoyance of their begging and pilfering. I recommend that the Department either recognize their right to all the territory on Turtle Mountain and give them the means to farm there, or purchase a right on White Earth Reservation and order them to remove."

And in reference to this report, on page 24 the commissioner says:

"The Pembina Band reside in Dakota Territory, but are here noticed in connection with the Minnesota Indians because of their being attached to the same agency. They have no reservation, having ceded their lands by treaty made in 1863, but claim title to Turtle Mountain, in Dakota, on which some of them resided at the time of the treaty, and which lies west of the line of the cession then made. They number, the full-bloods, about three hundred and fifty, and the half-breeds about one hundred. They lead a somewhat nomadic life, depending upon the chase for a precarious subsistence, in connection with an annuity from the Government of the United States. This agent recommends that 'the Government either recognize their right to Turtle Mountain and furnish them means to change their mode of life, or else obtain a home for them on the White Earth Reservation and order them to remove there.'"

Following this recommendation, by act of March 3, 1873, an appropriation of \$25,000 was made, with which a township of land was purchased in White Earth Reservation for the Pembinas. Ten thousand dollars was also appropriated by the same act to enable them to locate themselves on the township purchased for them.

Their further history, so far as the published reports of this office are concerned, is correctly given on pages 9, 10, and 11 of the argument of Mr. Bottineau.

The board of visitors appointed under the 4th article of the treaty of 1863, in their report for 1871, say:

"The condition of the Pembina Indians, we regret to report, is deplorable and almost hopeless. They are extremely poor, and owing to the scarcity of game their means of subsistence are scanty and precarious. The Turtle Mountains have long been their hunting grounds, and have never been ceded to the United States. They regard these mountains, therefore, as their own, and express a strong desire to have a reservation definitely located for them in that region."

Several reports of a similar character have since been made by the board.

Petitions were presented by the citizens of Dakota in 1872-'73, asking the removal of the Pembinas from that Territory, and subsequent to the passage of the act for their settlement at White Earth a portion of them were removed thereto. At the present time 200 out of about 560, the total number of the tribe, are living at White Earth, and the remainder are in the Turtle Mountains, within the territory claimed by them, whence they decline to remove until arrangements are made in regard to the unceded lands.

A delegation of these Indians visited this city in the fall of 1874, and again in the early part of 1876, to arrange for the cession of the lands which they claim, but it does not appear that any records of the conference had with them was ever made.

The only data to be found in the office in this connection are in a letter from this office to Agent Stowe, at White Earth, dated December 23, 1875, directing him to advise the Indians not to visit Washington again, as their matters had all been talked over the year before, and in two letters from the Indians themselves, the first dated December 22, 1875, and signed by Little Shell and other chiefs of the band at Turtle Mountain, in which, after referring to the fact that a portion of them were at Washington in 1874, and were assured that they owned the territory in Dakota, but for which negotiations could not be entered into on account of the absence of Little Shell, their head chief, they state that Little Shell is there with them and ask to come to this city to complete negotiations for the cession of the Turtle Mountain country. The second letter above referred to was written August 30, 1876, by two of the chiefs of the Pembinas located on White Earth Reservation, in which they call attention to the fact that, if negotiations are entered into for the extinguishment of the Indian title to the Turtle Mountain country, they are jointly interested with the band residing there in the territory to be ceded. I have also received by reference from Hon. H. M. Rice, a letter dated January 9th, 1878, from certain of the chiefs of the Turtle Mountain Indians, requesting that negotiations be had with them as contemplated in Senate bill No. 669, 44th Congress, 1st session, and Senate Miscellaneous Document No. 63, same session.

The Turtle Mountain Band, as well as the Pembinas now living on the White Earth Reservation, have for a number of years expressed a desire to dispose of their unceded lands and settle at White Earth, but they have been unwilling, as a tribe, to leave the Turtle Mountains or do any act which would compromise their claim to that country.

So strenuously have they insisted on their rights to that section that they have refused to comply with the directions of this office in requiring all of them to remove to White Earth on pain of forfeiture of their annuities, and in the present condition of affairs I can see little hope of settling them on a reservation, or in any manner improving their deplorable condition, until this obstacle is in some manner removed.

It is the desire of this office, and I think that an economical administration of Indian affairs demands, that so far as may be the Indians should be consolidated upon a few reservations, and in such locations protected entirely from the encroachments of the whites. The Chippewas, when they have been located under favorable circumstances, have made fine progress toward a fair degree of civilization. That portion of the nation now settled on the White Earth Reservation are under the very wise provisions of the law under which they take individual title to their lands, making commendable advancement, and would afford an excellent example to lead the Turtle Mountain Band in the march of improvement. They have expressed their willingness to place themselves under these influences, and, in my judgment, steps should be taken for the extinguishment of their title to the lands claimed, whatever the title may be, and their removal and permanent settlement on the White Earth Reservation, where there is ample room for them.

The House committee having, since the preparation of this report, requested the preparation of a bill looking to the consolidation of the Indians in certain States upon a few reservations, I have, in the preparation of said bill, provided for the necessary negotiations with these Indians, and inclose this report, with copies of the papers referred to herein, for consideration in that connection.

Very respectfully, your obedient servant,

E. A. HAYT, *Commissioner.*

NO. XXXIV.

[House Report No. 632, Fifty-first Congress, first session.]

RESERVATION OF THE TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS.

Mr. Gifford, from the Committee on Indian Affairs, submitted the following report (to accompany bill H. R. 660):

The Committee on Indian Affairs, to whom was referred bill No. 660 providing for the appointment of a commission to negotiate with the Turtle Mountain Band of Chippewa Indians for the cession of their reservation in Rolette County, State of North Dakota, beg leave to report the same and recommend that it do pass, with amendments.

In support of this recommendation the committee submit the following:

First, attention is called to the report of the Secretary of the Interior for the year ending June 30, 1888.

After reciting the history of the Turtle Mountain Indians and the legislative and executive action taken during the past few years in respect of said Indians, the Secretary says:

"I therefore earnestly urge upon Congress an early and careful consideration of the affairs and conditions of the Turtle Mountain Chippewa Indians, and prompt measures to provide for the removal of such of them as are entitled to Governmental care to the White Earth or the Red Lake Reservation, and their support and civilization in such new homes. It is, in my opinion, inexpedient to leave any body of unreclaimed Indians near the border. And it is inhumane and unwise to suffer any to remain beyond the influences of reclamation anywhere. Special reasons in the circumstances of these people add much to the general sanction of these principles."

The situation has become more complicated and embarrassed since the date of the honorable Secretary's report, owing mainly to the attempted enforcement of taxation among the nonreservation Indians by the county authorities, and at times the relations between the half-breeds and whites have been so strained as to seriously threaten the peace of the community. For two or three years the question of taxation has been a subject of contention between the county authorities and the half-breeds and Indians; the latter claiming that they were not subject to taxation and were too poor to pay taxes, while the authorities have insisted that they were subject to taxation and must bear the burden in equal proportion with white settlers.

Not very long ago the Indians forcibly seized and carried away a number of cattle and ponies that had been distrained by the county officials for delinquent taxes, and defied the authorities to arrest them; whereupon the county commissioners asked for United States troops to protect the lives and property of settlers and to aid them in the execution of the laws.

The whites formed a cavalry company to protect themselves and the Indians both on and off the reservation were in a high state of excitement.

Upon the suggestion of the Indian Bureau the Department requested the governor of Dakota to use his influence to procure a suspension of action by the county authorities of Rolette County in the matter of Indian taxation in said county.

The discontent and hostility of feeling on the part of the nonreservation Indians had its effect on the reservation Indians, and twice within the past year, at the request of the agent, this office has been obliged to call for military aid to protect the Government property and preserve the peace.

On one occasion last winter the Indians threatened to tie the farmer in charge and put him off the reservation unless he would issue rations to them at their dictation, and indiscriminately, whether entitled to aid or not. The troops arrived at midnight and were on the ground when the rations were issued, thereby preventing the execution of the threat, which the farmer believes would surely have been carried out but for their presence.

In reporting the outcome of this affair the farmer said:

"There is one other element of danger remaining, and that is the question of taxes. The taxes due by many of the mixed bloods for 1886 remain uncollected, and the county officers are preparing to collect them, and I am sure there will be serious trouble, involving all the mixed bloods both on and off the reservation. Although the county do not claim taxes from residents of the reserve, still there are many residing here now who have moved in since the tax was levied and have brought the chattels on which taxes are assessed with them. At any rate they are pledged to each to help resist the officers."

More recently (in November) Agent Cramsie, having returned from a visit to the

Turtle Mountain Reservation, reported that he had become satisfied that he would be unable to control the Indians on the reservation and in its vicinity without military assistance, since they had successfully defied the local civil authorities; and he therefore asked and recommended that troops be stationed on the reservation and kept there until the troubles and disturbances were permanently settled.

In reporting the matter to the Department (November 21, 1889), the Indian Office observed as follows:

"The constantly recurring disturbances in the Turtle Mountain country, both on and off the reservation, have caused no little apprehension to this office, and it has long been felt that a military force, permanently stationed on or near the reservation, would sooner or later be required to prevent serious conflict between the Indians, the Canadians, half-breeds, and the white settlers. The repeated attempts by the local civil authorities to collect taxes from the nonreservation Indians, who are mainly half-breeds, and the distraining of their cattle in default of payment, has, as the Department knows, been a most fruitful source of disturbance, and more than once has threatened direful consequences, which have only been averted, as would seem, by the suspension or nonenforcement of the tax. The reservation Indians, especially, have long been chafing under what they claim was an act of injustice to them—the restoration of the lands claimed by them north and west of Devils Lake to the public domain without compensating them therefor. This, added to the tax question, has made them sensitive and sometimes extremely lawless, as in the case now reported. It is also believed that a large number of Indians from Canada come over to share in every issuance of food made at that point, where they have no claims upon this Government for support.

"In view of the facts thus briefly set forth, I have the honor to recommend that the Secretary of War be requested to issue the necessary orders for the sending of a small military force to the Turtle Mountain Reservation to meet the present emergency, and it is suggested that he be further requested to consider the question of the propriety and advisability of stationing a small military force, in charge of a commissioned officer, permanently on the Turtle Mountain Reservation or somewhere in its immediate vicinity."

E. W. Brenner, the farmer in charge of the reservation, under date of August 23, 1889, makes the following statement in his report to the Indian Office:

"The reservation is located in Rolette County, Dak., in township 162 north, range 70 west, and in township 162 north, range 71 west, and contains 46,800 acres, divided into farming, timber, and grazing lands.

"The census finds 82 families of full bloods, numbering 264, and 229 families of mixed bloods, numbering 1,076—total, 1,380; showing a decrease of full bloods of 82, and an increase of mixed bloods of 56.

"The population is here and away, and it was difficult to make an accurate census, and the number as given is liable to an increase, particularly by the return of the full bloods. Many are away without passes, and whether they will return is not known. The mixed bloods have increased 56, although some have sold their improvements and gone away.

"There is much talk about the hard fare of these people, but they keep a-coming all the same, and such as go away leave the better off for their residence here. The question who is a Turtle Mountain Indian needs acute discrimination to decide.

* * * * *

"These people are very anxious to have the Government settle their affairs and define their status, and in consequence make but few improvements. It seems also to be understood that Canadian half-breeds can not secure lands, either as Indians or citizens, which does injury to some good and thrifty men. The cry along the line is, Let the Government settle our affairs so that we may know who and what we are."

Your committee respectfully suggest that the negotiations, if authorized, should be had with the Indians rightfully belonging on the Turtle Mountain Reservation for the cession and relinquishment to the United States of whatever right, title, or interest they may have in said reservation, and their removal to the White Earth Reservation in Minnesota.

A careful census of the band should be first taken, in order to exclude the Canadian Indians and half-breeds, and all others not entitled to the care of this Government and to participation in the negotiations, and for the further purpose of ascertaining how many it will be necessary to provide for at White Earth in land, etc. This could be done by the commissioners who may be appointed to conduct the negotiations and as a preliminary step to the negotiations. Negotiations should then be had with the Chippewas in Minnesota to obtain their consent to the settlement and consolidation of the Turtle Mountain Indians on the White Earth Reservation.

The money received by the Turtle Mountain Indians for the relinquishment of

their rights in their reservation in North Dakota should be consolidated with the funds of the Minnesota Chippewas, and the Turtle Mountain Indians who settle at White Earth should be admitted to a full share in the common consolidated fund.

Before the funds are consolidated, however, the Government should reimburse itself for whatever money may be expended in the removal to White Earth.

Your committee recommend the adoption of the following amendments: Add after the word "consent," in line 11, the words "if necessary." Strike out the word "ten," in line 19, page 2, and insert "five" in lieu thereof.

NO. XXXV.

[House Report No. 820, Fifty-fifth Congress, second session.]

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS.

Mr. Curtis, of Kansas, from the Committee on Indian Affairs, submitted the following report (to accompany H. R. 9282).

The Committee on Indian Affairs, to whom was referred the bill (H. R. 9282) transmitting and referring the claim of the Turtle Mountain Band of Chippewa Indians to the Court of Claims, under the provisions of the Bowman Act, an act approved March 3, 1883, and for other purposes, having the same under consideration, report the same back and recommend that it do pass.

A full and complete statement of the claim is given in the petition, memorial, and letters hereto attached, marked Exhibit A, and made a part of this report.

EXHIBIT A.

To the House of Representatives and Senate of the United States in Congress assembled:

Your petitioners and memorialists, the said Turtle Mountain Band of Chippewa Indians, by authority of their chief, Little Shell, Red Thunder, his premier, Oshkena wence (the young man), Sasswain Poitra and his braves, and others of the councilmen and representative men of said tribe, the undersigned, on behalf of said band of Indians, do hereby respectfully pray that the Committee on Indian Affairs having before it and under consideration a certain agreement concluded between the said Turtle Mountain Chippewa Indians and the commission appointed under the provisions of the Indian appropriation act of July 13, 1882, with all the proposed amendments to said agreement, also the protest of said Indians against the ratification by Congress of said agreement; also the Department letters and reports or documents and other matters of evidence which may be before it touching the rights and interests of said Indians to the lands claimed by them, be by said committee referred to the Court of Claims under the Bowman Act, entitled "An Act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883 (22 Stats., p. 485), for advice to said committee of the disputed questions of law and fact in the case, for the segregation of their unceded lands, and for their relinquishment, under the provision of House bill 2279, Fifty-fifth Congress, first session, to provide for the relinquishment by the Turtle Mountain Band of the Pembina Chippewa Indians of their unceded lands, and for other purposes, now pending.

In support of this petition and memorial we do hereby respectfully express that the said alleged agreement or the (so called by said Indians) "ten-cent treaty," together with all the amendments thereto which may be pending before Congress for ratification, has never been authoritatively acknowledged or recognized by said tribe of Indians or by any of the representative men thereof, and they strenuously protest against its ratification by Congress upon the ground that it was signed only by unauthorized and irresponsible Indians and was not fairly procured, and was so procured under the protest of and against the will and consent of the chief and the councilmen and the representative men of the tribe, and was not signed by any of them, who are the only authority recognized by the tribe for the transaction of the tribal affairs; and especially upon the further ground that the compensation stipulated to be paid to them in said agreement is inadequate, unreasonably too small, and does unjustly discriminate against them, as compared with the prices accorded and paid to their neighbor Indians for similar rights and interests and for similar lands.

The population of the Turtle Mountain Chippewa Indians proper is claimed by

themselves to be not less than 3,000 individuals, including all those scattered and living in different parts of North Dakota, Montana, and Minnesota; also those who are now living and roaming in the vicinity of Woods Mountain, in the British Possessions.

The commissioners who concluded said alleged agreement in their report say: "The total number enumerated as belonging to the band (of said Indians) at the time was 2,327, including full and mixed bloods on and off the reservation." * * *

In this report the commissioners referred to the great difficulties in the way of making anything like an accurate census of the Turtle Mountain Indians, owing to their affiliation and relationship to the "British Indians" (being no doubt their kinsmen, who rightly belong to said tribe, but now roaming in the British Possessions above referred to), and the seeming impossibility of separating them.

Touching this subject in their said report, the commission further says:

"In short, referring particularly to the Turtle Mountain Chippewas, they should be given a hearing before some impartial magistrate, with power to call witnesses and take testimony before passing on the question of whether they are American Indians or not—before denying or prejudicing any legal rights they may have as Americans by nativity or adoption. Prima facie, at least, those whose names were enrolled on the census list are American Chippewas.

"To rule otherwise on ex parte evidence would do violence to the common sense of right. Proper respect for the consistency of our judicial economy demands for them their 'day in court' in cases where their rights as Americans are in controversy.

"It has never been found profitable to drive a hard bargain with the Indians or to take advantage of their inexperience and comparative helplessness. The enumerators were instructed to exercise great care in taking names for the census. They were told not to enroll any person with reference to whose right to membership in the band they had reasonable ground for doubt. The commissioners believe that they followed the instructions given them, and exercised care in doing their work."

The report of the said commission further showed that it wholly failed in securing the removal of the Indians to another reservation and the settlement of their claim against the Government.

The foregoing extracts, which are quoted from the report of said commission, may be found in the Department letter of the Hon. D. M. Browning, Commissioner of Indian Affairs, dated July 6, 1893, to the honorable Secretary of the Interior, a copy of which is printed as Doc. No. 10, on pages 133 to 137 of the printed protest of said Turtle Mountain Indians.

The wrong impression, which seems to be entertained generally by our Representatives and Senators in Congress and some of our Government officials, seems evident of inadvertency on the part of those wrongly impressed, because the original rights and interests of said Indians, however, seems to be plainly expressed by the honorable Commissioner of Indian Affairs, Mr. H. Price, in his letter and report of February 14, 1882, to the honorable Secretary of the Interior. (Vide pp. 2, 3, and 4, H. R. No. 1144, first session Forty-seventh Congress, by Mr. Deering, M. C., from the Committee on Indian Affairs; also on pp. 27 to 30 of the printed protest of the Turtle Mountain Indians.)

In discussing the merits of this claim, among other things, the Commissioner says:

That their possession of this country has never been successfully disputed by any of the neighboring or other tribes of Indians, but has at all times been recognized as the country of the Turtle Mountain Band of the great Chippewa Nation, of which the three Chippewas, Little Shell, grandfather, father, and son, have been principal chiefs for the last fifty years, and that they have never, by general council, by their chiefs, or by any authorized delegates, entered into any treaty with the United States by which they ceded any portion of their possessions. * * *

It may be well to state here that if any of the Sioux tribes ever claimed this country, all such claim was relinquished by the treaty of April 29, 1868 (Stats. 15, p. 635), the second article of which, after defining the boundaries of their reservation, provided as follows: (See Article II.) * * *

The boundaries of the unceded Indian country claimed by the Pembina Chippewas, and recognized by this Bureau to the extent indicated in report to Department quoted from in the beginning of this letter, are marked, with approximate accuracy only, upon the map herewith inclosed. As has been seen, its area has been estimated at 9,500,000 acres. As a portion of their original claim was taken for the use of the Fort Bertholf Indians, it is not likely that it will now exceed 9,000,000 acres.

It is not at all probable that this territory will ever be needed by the Government for Indian purposes. The Indians now occupying and claiming it do not need more than one-twentieth part thereof, and I am fairly convinced that the entire tract, except, say, 500,000 acres, which should be retained in a compact body for them, should be sold for the benefit of the Turtle Mountain Indians and their brethren now

at the White Earth Agency, who should be held and deemed to be as much entitled to share in the benefits arising from such sale as they, the Turtle Mountain Band.

It seems to me that these Indians are justly entitled to the recognition of their claim on the part of the Government to the lands in question, and the files and records abound in evidence showing that this office has long recognized such claim. * * *

At 50 cents per acre, assuming the estimated area, after deducting the lands to be retained (8,500,000 acres), to be correct, the proceeds would reach the sum of \$4,250,000, the interest on which amount, at 3 per cent, would be \$127,500. At 25 cents per acre the amount received would yield \$63,750 at 3 per cent.

If the lands were sold at the minimum price of the public lands (\$1.25 per acre), the amount accruing from such sale would be very great—\$10,625,000.

The Indians need present assistance, and if it could be afforded in the manner suggested, without waiting the long processes usual in the sale of the public lands, it would be immeasurably to their advantage.

I return herewith Lieutenant Creel's letter, with Senator Windom's indorsement, and inclose a copy of this report.

Very respectfully, your obedient servant,

H. PRICE, *Commissioner*.

The SECRETARY OF THE INTERIOR.

In his further report upon the merits of this claim, in a second letter, dated June 7, 1882, to the honorable Secretary of the Interior, among other things, the honorable Commissioner, Mr. H. Price, says:

"Perhaps the most important evidence at hand touching the matter to which our attention is directed is to be found in the report of a commission appointed by the Secretary of the Interior under the provisions of the act of June 7, 1872 (17 Stats., p. 281), to investigate the title and interest of the Sisseton and Wahpeton bands of Sioux Indians to the lands mentioned in Article II of the treaty concluded with said Indians February 19, 1867." * * *

After quoting said commission's report and the authorities therein cited by said commission, Commissioner Price further says:

"Upon the report of said commission Congress, by act of June 22, 1874, in confirming the agreement entered into with the Sisseton and Wahpeton bands, virtually acknowledged and confirmed the claim of said Indians to the lands described in Article II aforesaid.

"It appears, then, that the first and one of the most important duties that engaged the attention of the said commissioners was the determination of the boundary lines between the Sioux and Chippewa country.

"In pursuing their investigations they found that the Sioux Indians had claimed and did claim the country southerly of Devils Lake, embracing the region described in Article II of the treaty of 1867; that the extent of their original claim did not cover any territory north of said lake, and that they had by solemn treaty with the Chippewas, entered into more than forty years ago, so agreed and declared.

"The subsequent action of Congress in confirming the agreement made by and between the said commissioners and the Sisseton and Wahpeton bands must be considered as having forever settled the disputed boundary question between the Sioux and Chippewas. * * * (A copy of the said letter and report may be found printed on pages 68 to 74, House Ex. Doc. No. 229, Fifty-second Congress, second session; also on pages 122 to 128 of the printed protest of said Indians.)"

The only obstacles we find in the way which has tended to impair our claim to said unceded country, and obstructed the way from securing an equitable settlement from the Government, may be safely attributed to said wrong impression of the "vagueness" of said claim, which seems to have been inadvertently created, as appears of record in the Department of Indian Affairs in an official letter and report from the Hon. R. V. Belt, Acting Commissioner of Indian Affairs, to the honorable Secretary of the Interior, of September 21, 1891. (See copy on pages 38 to 43 of the printed protest of said Turtle Mountain Indians.)

In discussing the claim of said Turtle Mountain Chippewa Indians, among other things, Acting Commissioner Belt says:

"Referring to a statement in a report of May 23, 1878, from this office, on the rights of the Pembina Band of Chippewas in the country claimed by them, that the only treaty provision or other data conflicting with the claims of the Pembina bands to any portion of the territory named are to be found in the treaty of February 19, 1867 (15 Stats., 505), with the Sisseton and Wahpeton bands of Sioux, who ceded to the United States certain rights of way over lands embraced within the same, attention is called, in the paper submitted by Mr. Bottineau, to the preamble to the agree-

ment of September 20, 1872 (Revis. Ind. Trs., 1050), with the Sisseton and Wahpeton bands of Sioux, in the preamble to which it is stated in the treaty of 1867, above referred to, that these bands of 'Indians ceded to the United States certain privileges and rights supposed to belong to said bands in the territory described in article 2 of said treaty,' and it is claimed that the phraseology here used casts a suspicion upon the title of the Sioux to this country." * * *

Further on this letter, in discussing the complaint of said Indians against the invasion of their country by large numbers of eager white settlers, etc., among other things which Mr. Belt finds and reports, says:

"Upon these papers this office submitted a report February 17, 1887, in which the opinion was expressed that the claim of these Indians, if they have any, can only finally be adjudicated and determined by the legislative branch of the Government, and that it should not be considered by the Executive as a bar to the further settlement and development of the country to which it extended; and it was submitted for the consideration of the Department 'whether it would not be best to remove all restriction as to the settlement of this country by resuming survey and permitting entry, leaving the claim of the Indians to be finally settled by Congress.'

"Upon this report Acting Secretary Muldrow, without determining whether or not the claim of the Indians was well founded, directed, in a letter of April 4, 1887, to the Commissioner of the General Land Office, that the surveys authorized by Secretary Teller in 1882 be continued.

"The Department rulings, so far as they have given any expression upon the merits of the claim of these Indians to any valid title to the lands referred to, have been adverse thereto, though I do not know that any formal and final decision on the question has ever been made." * * * (See copy of this letter and report on pp. 38 to 43 of the printed protest of said Indians.)

From the facts aforesaid, and by reason of said official findings and report made by said acting commissioner, Mr. R. V. Belt, which materially conflicts with the findings and reports made by the honorable commissioner, Mr. H. Price, hereinbefore cited, upon the question of validity and merits of the claim of said Turtle Mountain Chippewa Indians to their unceded country, makes it very important and imperative that the question of the validity and merits of their claim should be first determined before justice can be done them by the Government in the settlement of the same.

Wherefore, while we can not expect under the circumstances that we should be accorded the minimum price of the public lands, \$1.25 per acre, as estimated in the honorable Commissioner, Mr. H. Price's, letter above quoted, in all fairness, however, we do insist and justly expect to secure from the United States Government a reasonable compensation for said claim, without any unreasonable discrimination as compared with the prices and compensations accorded by the United States Government in the settlement of similar Indian rights and interests and for similar lands claimed and settled with their neighbor Indians, to wit: To their neighbors on the east, the Chippewas of Minnesota, under act of Congress of January 14, 1889 (U. S. Stats., vol. 25, p. 642), the Government is paying to said Chippewas \$1.25 per acre for agricultural lands and from \$5 to \$75 per acre for pine lands, according to the estimates of standing pine timber thereon; to their neighbors on the west, the Sioux Nation of Indians or Dakotahs, under act of Congress approved March 2, 1889 (U. S. Stats., vol. 25, p. 888), the Government agrees to pay to said Sioux Indians, after allotting to each head of family 320 acres of land, to each single person over 18 years of age one-fourth of a section, to each orphan child under 18 years of age one-fourth of a section, and to each other person under 18 years one-eighth of a section, there was appropriated and deposited in the Treasury of the United States to their credit the sum of \$3,000,000 as permanent fund, paying them interest of 5 per cent per annum, and the further sum of 50 cents per acre for all lands undisposed of at the end of ten years from date of said act by the United States to actual settlers of said Indian country, which amount shall be added to the credit of said Indians as their permanent fund; to their neighbors on the south, the Sisseton and Wahpeton bands of Dakotahs or Sioux Indians, under act approved February 8, 1887 (26 U. S. Stats., p. 1036), and the proclamation No. 22 (27 U. S. Stats., p. 1017), the Government paid to said Sisseton Indians for the lands remaining after their individual allotments \$2.50 per acre; besides paying \$80,000 annually to the Arickarees, Gros Ventre, and Mandan Indians for lands ceded under agreement of December 14, 1886 (26 Stats., p. 1032), a great part of which being for lands belonging to said Turtle Mountain Chippewa Indians, in which said Arickarees had no claim or interest whatever.

Your petitioners, the said Turtle Mountain Band of Pembina Chippewa Indians, by the undersigned, their duly accredited representative and attorney, do hereby respectfully pray that said certain agreement concluded between said Turtle Mountain Band of Pembina Chippewa Indians and said commission appointed under said

act of July 13, 1892, with all the proposed amendments to said agreement, be not ratified and be rejected, and that the entire subject of the legal and equitable rights of the Turtle Mountain Band of the Pembina Chippewa Indians be, by the Committee on Indian Affairs, referred to the Court of Claims under the Bowman Act, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883 (22 Stats., p. 485), for advice to said committee on the disputed questions of law and fact in the case, for the segregation of their unceded lands, and for their relinquishment under the provision of House bill No. 2279, Fifty-fifth Congress, first session, "To provide for the relinquishment by the Turtle Mountain Band of the Pembina Chippewa Indians of their unceded lands, and for other purposes," now pending.

J. B. BOTTINEAU,

Their Representative and Attorney, No. 62 C street NW., Washington, D. C.

EXHIBIT No. 1.

TURTLE MOUNTAIN CHIPPEWA INDIANS, NORTH DAKOTA,
Belcourt, N. Dak., January 26, 1898.

From the Chief and all the Councilmen to John Bte. Bottineau, at Washington, D. C.:

The Chief Little Shell here speaks: We are tired, fatigue, since so long waiting for the settlement of our claim. Even though we are so fatigue we keep strong, firm, to stay by you and your efforts in our cause; we are always ready to go or do as you say, to help pushing our case.

In regard to the affairs and doings of the three commissioners—the ten-cent treaty commissioners—we are very much troubled in here about it; but I repeat to you here again, as I did say while in Washington to the House Committee of Indian affairs, that I would never sign their affairs, the ten-cent treaty. I am all the same yet and now.

My greatest fatigue is to see my people so poor and going so hungry. In regard to your proposed amendment—to secure fifteen thousand dollars for relief pending the settlement of our claim—I would like to see all the members of our tribe (the Turtle Mountain) get some of it equally, and not like they have done with the appropriation of 1895, and give it only to those favored ones which were put on the list (rolls) by the commissioners. Have this appropriation so arranged to protect us all equally.

In regard to the conditions of our affairs, we have asked your uncle Charles for your attention to get some means from the Government which will help us to go to Washington. It will give you more force to push our case through, even if you have to do so yourself, as you have done, to bring our delegation to Washington. The last time we were there in May and June, 1896. It is the greatest hope and desire of the chief and all the councilmen of the tribe, because we know we could help you and help our cause greatly, and we would accomplish something; and it is important we should go now because our pecuniary condition and the necessity demands it, and we know we could accomplish something for the benefit of the tribe through our friends in Congress, with the help of our present Commissioner of Indian Affairs, who, you say, is the true friend of the Indians. We wish to see him and talk to him ourselves now, and we ask you to help us in some way which will give us means to bring us to Washington as soon as possible.

The Chief Little Shell and all the councilmen send you their best respects.

LITTLE SHELL, *Chief* (his x mark).

SASSWAIN, HENRI POITRAT (his x mark).

GOURIN, BAPTISTE CHAMPAGNE (his x mark).

BAY RISS, CUTHBERT GRANT (his x mark).

JOHN B. RENO,

Secretary of the Council and of the Turtle Mountain Indians.

EXHIBIT No. 2.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, May 23, 1878.

SIR: I have the honor to acknowledge the receipt, by your reference for report, of a letter dated March 3, 1878, from John B. Bottineau, claiming membership in the

tribe, presenting printed argument in favor of the claim of the Pembina Band of Chippewa Indians in Dakota, and asking that steps be taken for their relief.

These Indians, generally designated as the Turtle Mountain Band of Chippewas, claim that their title has never been extinguished to the lands bounded on the east by the west line of the cession in the treaty of October 2, 1863 (13 Stats., 667), on the south by the Cheyenne River and a line extending west from the head waters of the same to the Grand Coteau of the Missouri Ridge, thence north to the national boundary line, embracing a part of the Rivers des Sac and the Mouse River and its valley, and on the north by said line.

They ask that their title to the land within said boundaries be recognized and that measures be taken to extinguish the same and to settle upon land heretofore set apart for their use in the White Earth Reservation in Minnesota. Negotiations were had, but without success, at various times prior to 1863 with the Red Lake and Pembina Chippewas for the extinguishment of their title to the lands north of the Red River in Minnesota and the Cheyenne in Dakota and bordering the Red River of the North.

On the second of October, 1863, the Hon. Alexander Ramsey, commissioner on the part of the United States, met these Indians at the old crossing of the Red Lake River, and completed negotiations whereby the Red Lake and Pembina Indians ceded "to the United States," as stated in the treaty, all the lands "now owned by them in the State of Minnesota, and in the Territory of Dakota within the following-described boundaries, to wit: Beginning at the point where the international boundary between the United States and the British possessions intersects the shore of the Lake of the Woods; thence in a direct line southwestwardly to the head of Thief River; thence down the main channel of said Thief River to its mouth, on the Red Lake River; thence in a southeasterly direction in a direct line toward the head of Wild Rice River to the point where such line would intersect the northwestern boundary of a tract ceded to the United States by a treaty concluded at Washington on the twenty-second day of February, in the year eighteen hundred and fifty-five, with the Mississippi, Pillager, and Lake Winnebagoishish Band of Chippewa Indians; thence along the said boundary line of said cession to the mouth of Wild Rice River; thence up the main channel of the Red River to the mouth of the Cheyenne; thence up the main channel of the Cheyenne River to Poplar Grove; thence in a direct line to the 'Place of Stumps,' otherwise called Lake Chicot; thence in a direct line to the head of the main branch of Salt River; thence in a direct line due north to the point where said line would intersect the natural boundary aforesaid; thence eastwardly along said boundary to the place of beginning."

Of the territory embraced within said cession the Red Lake Indians claimed that portion east of the Red River, and the Pembinas all west of the same.

Considerable discussion was had, as appears from the journal of the proceedings of the council during the negotiations pending the treaty, a copy of an abstract of which is herewith, as to the boundaries of the territory over which the original title of the Pembinas extended. It was held against the Chippewas that the right of the Sioux to the territory between the Cheyenne and Red rivers, as far north as Goose River, had been recognized in the treaty of Du Chien in 1825. Against this the chiefs urged that the Sioux, Chippewas, and Winnebagoes present at said treaty were set opposite to each other and required to mark where the boundary was; that in setting their southern boundary Goose River was fixed by the commissioners as a compromise line between them and the Sioux, and that they not only owned the lands ceded, but all the country north of the Cheyenne and a line extending west of its head waters to the Missouri Coteau, and thence north, including Mouse River, to the British line.

I also inclose an extract from the report of the Hon. Mr. Ramsey, giving a history of his negotiations in the matter, in which, after describing the country acquired by the treaty, he uses the following language:

"On the east of this tract the Red River Indians still own a small strip of unceded territory, inclosing the basin of Red Lake. With the exception of a narrow border of 'hard-wood' land around the shore of the lake, where the bands now have their homes and raise small crops of corn and potatoes the tract reserved for their future occupancy, while abounding in game, fish, fields of wild rice, and other resources adapted to the primitive wants of the Indians, is, from the nature of the surface, which may be generally described as a series of impassable swales, entirely valueless to a civilized people.

"The Pembina bands, who subsist by buffalo hunting, also retain for themselves a tract of country claimed by them, embracing some of the favorite pastures of that animal, north and northwest of Devils Lake."

The only treaty provision or other data conflicting with the claim of the Pembina bands to any portion of the territory named is to be found in the treaty of February

19, 1867, in which the Sisseton and Wahpeton bands of Sioux Indians ceded the right to construct roads, etc., over the lands claimed by them, the same being bounded on the north by Goose River and a line running from the source thereof by the most westerly point of Devils Lake to the Chief Bluff, at the head of James River, and within which territory, embracing a small portion of that ceded by the treaty of 1863, a reservation on the south side of Devils Lake was set aside by the treaty of 1867 for said Sioux Indians.

No effort appears to have been made to locate the Pembina bands on a reservation until the year 1871.

In a quotation in the Commissioner's annual report for 1871, page 593, taken from the report of Agent E. P. Smith, in speaking of these Indians, he says:

"The Red Lake and Pembina bands of Chippewas entered into a joint treaty in 1863 in which they ceded a part of the lands of the Red Lake and all that of the Pembinas, consequently the Pembinas are living in Dakota without any reservation, unless the Department shall recognize the claim of the Turtle Mountain Band of Pembinas, who at the time of the treaty were living west of the line of the ceded territory, and would seem to retain all the natural rights which Indians acquire to territory. They ask that this Turtle Mountain country shall be acknowledged to them as their reservation. The whole number of full-blood Pembina Indians will not exceed three hundred. They are a constant annoyance to settlers at Pembina. A straggling, wretched, houseless people, some of them can be induced to settle at White Earth if provision for their removal can be made. Others will go out into the Turtle Mountains if they can be allowed to call it their reservation.

In his report for 1873 (see office report, 1872, p. 209) Agent Smith says:

"The Pembina Band are in much the same deplorable condition as reported last year. They have no reservation in the vicinity where most of them are trying to subsist. A portion of the band live on Turtle Mountain, in Dakota, and claim that there is a portion of their country which they have never yet ceded; and they say they were living there at the time of the cession in 1864, and that their grounds are west of the line of the ceded territory. They ask that their rights in this unceded country may be recognized. According to the theory that has been generally adopted by the Government, I do not see why these Indians have not all the original Indian rights in an uncaded territory. Something should be done to help these Indians out of degradation and relieve the settlers that are now coming by rail to Pembina from the annoyance of their begging and pilfering. I recommend that the Department either recognize their right to all the territory on Turtle Mountain and give them the means to farm there or purchase a right on White Earth Reservation and order them to remove."

And in reference to this report, on page 24, the Commissioner says:

"The Pembina Band reside in Dakota Territory, but are here noticed in connection with the Minnesota Indians because of their being attached to the same agency. They have no reservation, having ceded their lands by treaty made in 1863, but claim title to Turtle Mountain, in Dakota, on which some of them resided at the time of the treaty, and which lies west of the line of the cession then made. They number, the full-bloods, about 350, and the half-breeds about 100. They lead a somewhat nomadic life, depending upon the chase for a precarious subsistence, in connection with an annuity from the Government of the United States. This agent recommends that the Government either recognize their right to Turtle Mountain and furnish them means to change their mode of life or else obtain a home for them on the White Earth Reservation and order them to move there."

Following this recommendation, by act of March 3, 1873, an appropriation of \$25,000 was made with which a township of land was purchased in White Earth Reservation for the Pembinas. Ten thousand dollars was also appropriated by the same act to enable them to locate themselves on the township purchased for them.

Their further history, so far as the published reports of this office are concerned, is correctly given on pages 9, 10, and 11 of the argument of Mr. Bottineau.

The board of visitors appointed under the fourth article of the treaty of 1863 in their report for 1871 say:

"The condition of the Pembina Indians, we regret to report, is deplorable and almost hopeless. They are extremely poor, and owing to the scarcity of game their means of subsistence are scanty and precarious. The Turtle Mountains have long been their hunting grounds and have never been ceded to the United States. They regard these mountains, therefore, as their own and express a strong desire to have a reservation definitely located for them in that region."

Several reports of a similar character have since been made by the board.

Petitions were presented by the citizens of Dakota in 1872-73 asking the removal of the Pembinas from that Territory, and subsequent to the passage of the act for their settlement at White Earth a portion of them were removed thereto. At the

present time 200 out of about 560, the total number of the tribe, are living at White Earth, and the remainder are in the Turtle Mountains within the territory claimed by them, whence they decline to remove until arrangements are made in regard to the unceded lands.

A delegation of these Indians visited this city in the fall of 1874, and again in the early part of 1876, to arrange for the cession of the lands which they claim, but it does not appear that any record of the conference had with them was ever made.

The only data to be found in the office in this connection are in a letter from this office to Agent Stowe, at White Earth, dated December 23, 1875, directing him to advise the Indians not to visit Washington again, as their matters had all been talked over the year before, and in two letters from the Indians themselves, the first dated December 22, 1875, and signed by Little Shell and other chiefs of the band at Turtle Mountain, in which, after referring to the fact that a portion of them were at Washington in 1874 and were assured that they owned the territory in Dakota, but for which negotiations could not be entered into on account of the absence of Little Shell, their head chief, they state that Little Shell is there with them, and ask to come to this city to complete negotiations for the cession of the Turtle Mountain country.

The second letter referred to above was written August 30, 1876, by two of the chiefs of the Pembinas located on White Earth Reservation, in which they call attention to the fact that if negotiations are entered into for the extinguishment of the Indian title to the Turtle Mountain country they are jointly interested with the band residing there in the territory to be ceded. I have also received, by reference from Hon. H. M. Rice, a letter dated January 9, 1878, from certain of the chiefs of the Turtle Mountain Indians, requesting that negotiations be had with them as contemplated in Senate bill No. 669, Forty-fourth Congress, first session, and Miscellaneous Document No. 63, same session.

The Turtle Mountain Band, as well as the Pembinas now living on the White Earth Reservation, have for a number of years expressed a desire to dispose of their unceded lands and settle at White Earth, but they have been unwilling, as a tribe, to leave the Turtle Mountains or do any act which would compromise their claim to that country.

So strenuously have they insisted on their rights to that section that they have refused to comply with the directions of this office in requiring all of them to remove to White Earth on pain of forfeiture of their annuities, and in the present condition of affairs I can see little hope of settling them on a reservation or in any manner improving their deplorable condition until this obstacle is in some manner removed.

It is the desire of this office, and I think that an economical administration of Indian affairs demands, that, so far as may be, the Indians should be consolidated upon a few reservations and in such locations protected entirely from the encroachments of the whites. The Chippewas, when they have been located under favorable circumstances, have made fine progress toward a fair degree of civilization. That portion of the nation now settled on the White Earth Reservation are, under the very wise provisions of the law under which they take individual title to their lands, making commendable advancement, and would afford an excellent example to lead the Turtle Mountain Band in the march of improvement. They have expressed their willingness to place themselves under these influences, and, in my judgment, steps should be taken for the extinguishment of their title to the lands claimed, whatever that title may be, and their removal and permanent settlement on the White Earth Reservation, where there is ample room for them.

The House committee having, since the preparation of this report, requested the preparation of a bill looking to the consolidation of the Indians in certain States upon a few reservations, I have, in the preparation of said bill, provided for the necessary negotiations with these Indians, and inclose this report, with copies of the papers referred to herein, for consideration in that connection.

Very respectfully, your obedient servant,

E. A. HAYT,
Commissioner.

The SECRETARY OF THE INTERIOR.

EXHIBIT No. 3.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 14, 1882.

SIR: I have the honor to acknowledge the receipt, by your reference for report, of a letter dated December 29, 1881, from Lieut. H. M. Creel, of the Army, addressed to Hon. William Windom, of the Senate, who, in referring the same to the Depart-

ment, requests that he may be advised whether any action touching the lands therein referred to is desirable, and, if so, what legislation would, in the view of the Department, be expedient.

The object of the writer, Lieutenant Creel, appears to be to secure legislation looking to the extinguishment of the Indian title (which he claims is very imperfect at best) to a vast area of country lying in the northern part of the Territory of Dakota.

As showing, very briefly, the view held by this Bureau in respect of the status of these lands, and the condition and needs of the Indians occupying and claiming them, I beg leave to quote from my annual report to the Department for the year last past (1881) as follows:

“TURTLE MOUNTAIN BAND OF CHIPPEWAS IN DAKOTA.

“The unsettled condition of affairs with these Indians has long been a matter of deep concern, not only to the Indians themselves, but to this Bureau as well. Prominent among their troubles is the uncertainty on their part as to the view held by the Government relative to the status of the lands claimed by them, and the purposes of the Department in the matter of their ultimate disposal.

“The tract of country inhabited and claimed by them is north and northwest of Devils Lake, in Dakota, and is estimated to contain 9,500,000 acres. These lands have never been ceded to the United States, and the claim of the Turtle Mountain Band to ownership is based upon continuous occupation by them and their ancestors for many generations. That the Indian title to the country in question has never been extinguished or successfully disputed can not be denied, and according to the theory that has been adopted by the Government it would seem that these Indians have all the original rights in an unceded territory. Effort has been made from time to time to remove them to the White Earth Reservation, in Minnesota, but they have steadfastly resisted such removal, lest the abandonment of the country claimed by them might be looked upon as a willing relinquishment of their title thereto.

“The condition of these people is deplorable in the extreme; they have no permanent abiding place, are very poor, and, owing to the scarcity of game, which indeed may be said to have almost entirely disappeared, they have only the most scanty means of subsistence. Last year the agent at Devils Lake Agency reported that Chief Little Bull and his people were in great danger of actual starvation. Immigration is fast flowing into the country, to the great discomfort of the Indians, and they desire and have repeatedly asked protection from the Government. That their condition requires the attention of the Government is manifest. Petitions have been presented from both sides, Indians and whites, asking for a settlement of their difficulties, and I propose to make the matter the subject of a special report, with a view to securing early Congressional action looking to their permanent relief.

“I will add that the number of Indians roaming about over this vast area, homeless, destitute, and almost hopeless, is variously estimated at from 500 to 600 full-bloods and from 1,000 to 1,500 half-breeds.

“The press of business incident to the assembling of Congress has prevented me thus far from submitting the proposed report relative to the affairs of these Indians; but I gladly seize the opportunity presented in the request of the honorable Senator for information to submit such facts (in addition to the above) and suggestions as will, it is hoped, meet his purposes and be sufficient as affording a basis for appeal to Congress for such legislation as the circumstances would seem to require.”

The Pembina Band of Chippewas (of which the Turtle Mountain Indians are a part) have for a long time laid claim to the country hereinbefore referred to.

It appears from the minutes of the treaty of October 2, 1863, with the Red Lake and Pembina Indians, at which time they made a large cession of territory to the United States, that in executing said treaty the Pembina bands retained for themselves a tract of country north and northwest of Devils Lake. In this connection Hon. Alexander Ramsey, who negotiated said treaty on the part of the Government, in his report, submitted at the time, says: “The Pembina Band, who subsist by buffalo hunting, also retain for themselves a tract of country claimed by them, embracing some of the favorite pastures of that animal north and northwest of Devils Lake.”

In 1876 the Turtle Mountain Indians addressed a memorial to Congress praying for the confirmation of their title to these lands, and that some provision be made for their protection, in which their claim was set out as follows:

“Your memorialists, the Turtle Mountain Band of Chippewa Indians, respectfully represent that they and their fathers for many generations have inhabited and possessed, as fully and completely as any nation of Indians on this continent have ever possessed any region of country, all that tract of land lying within the following boundaries, to wit: On the north by the boundary between the United States and the

British Possessions; on the east by the Red River of the North; on the south their boundary follows Goose River up to the Middle Fork; thence up to the head of Middle Fork; thence west-northwest to the junction of Beaver Lodge and Cheyenne River to its head waters; thence northwest to the head waters of Little Knife River, a tributary of the Missouri River, and thence due north to the boundary between the United States and the British Possessions.

"That their possession of this country has never been successfully disputed by any of the neighboring or other tribes of Indians, but has at all times been recognized as the country of the Turtle Mountain Band of the great Chippewa Nation, of which the three Chippewas, Little Shell, grandfather, father, and son, have been principal chiefs for the last fifty years, and that they have never by general council, by their chiefs, or by any authorized delegates entered into any treaty with the United States by which they ceded any portion of their possessions."

* * * * *

It may be well to state here that if any of the Sioux tribes ever claimed this country, all such claim was relinquished by the treaty of April 29, 1869 (Stat. 15, p. 635), the second article of which, after defining the boundaries of their reservation, provides as follows:

"And henceforth they will, and do, hereby relinquish all claims or right in and to any portion of the United States or Territories except such as is embraced within the limits aforesaid, and as hereinafter provided."

(The subsequent provision does not necessitate a modification of the above statement.)

There is an evident error in the foregoing memorial in respect of the eastern boundary of their claim, for by the treaty of October 2, 1863, before referred to, the Chippewas (including these people) ceded to the United States all the territory owned and claimed by them in Dakota east of a line running in a northeasterly direction from the eastern shore of Devils Lake to the head of the main branch of Salt River; thence due north (a little east of the 98th degree west longitude) to the British Possessions.

The above description is not that given in the treaty precisely, and is only approximately correct, yet it is deemed sufficient to the present purpose.

The boundaries of the unceded Indian country claimed by the Pembina Chippewas, and recognized by this Bureau to the extent indicated in report to Department quoted from in the beginning of this letter, are marked, with approximate accuracy only, upon the map herewith inclosed. As has been seen, its area has been estimated at 9,500,000 acres. As a portion of their original claim was taken for the use of the Fort Berthold Indians, it is not likely that it will now exceed 9,000,000 acres.

It is not at all probable that this territory will ever be needed by the Government for Indian purposes. The Indians now occupying and claiming it do not need more than one-twentieth part thereof, and I am firmly convinced that the entire tract, except, say, 500,000 acres, which should be retained in a compact body for them, should be sold for the benefit of the Turtle Mountain Indians and their brethren now at the White Earth Agency, who should be held and deemed to be as much entitled to share in the benefits arising from such sale as they, the Turtle Mountain Band.

It seems to me that these Indians are justly entitled to the recognition of their claim on the part of the Government to the lands in question, and the files and records abound in evidence showing that this office has long recognized such claim.

As has been said before, these Indians are unwilling to remove to the White Earth. They appear to be greatly attached to the country so long occupied by them, and they desire to have lands, with a permanent title thereto, somewhere in the vicinity of the Turtle Mountain. It is therefore unlikely that they will consent to so much of the measure as contemplates removal and settlement upon said reservation.

In view of the foregoing I would suggest to the honorable Senator (Windom) the propriety of asking Congress for authority to negotiate with the Pembina Band of Chippewas, and such other Indians as should properly take part in such negotiations, for the cession of all the territory claimed by them in Dakota (except a tract sufficiently large to secure to them allotments in severalty for their permanent settlement, the location thereof to be hereafter determined). And as a suitable compensation for such cession I would recommend that there be paid to them annually the sum of, say, \$50,000 for the period of twenty years, the Government to reimburse itself out of the proceeds of the sale of the ceded lands.

At 50 cents per acre, assuming the estimated area, after deducting the lands to be retained (8,500,000 acres) to be correct, the proceeds would reach the sum of \$4,250,000, the interest on which amount, at 3 per cent, would be \$127,500. At 25 cents per acre the amount received would yield \$63,750 at 3 per cent.

If the lands were sold at the minimum price of the public lands (\$1.25 per acre), the amount accruing from such sale would be very great—\$10,625,000.

The Indians need present assistance, and if it could be afforded in the manner suggested, without waiting the long processes usual in the sale of the public lands, it would be immeasurably to their advantage.

I return herewith Lieutenant Creel's letter, with Senator Windom's indorsement, and inclose a copy of this report.

Very respectfully, your obedient servant,

H. PRICE, *Commissioner*.

The honorable the SECRETARY OF THE INTERIOR.

EXHIBIT No. 4.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., June 7, 1882.

SIR: I have the honor to acknowledge the receipt, by your reference for report, of a letter from Mr. George P. Bradstreet, clerk of the Senate Committee on the Judiciary, dated May 29 ultimo, inclosing, at the suggestion of Mr. McMillan, of the subcommittee, to whom it has been referred, Senate bill No. 925, "A bill to provide for the support and civilization of the Turtle Mountain Band of the Pembina Chippewa Indians and to extinguish their title to lands claimed by them in the Territory of Dakota," with the request that said committee be furnished any information that may be in the possession of the Department touching the questions arising under said bill.

In reply I would respectfully state that this bill, in its original form, was referred to the Department in February last by Mr. Chairman Dawes, of the Committee on Indian Affairs, and this office was called upon and submitted a report thereon to the Department under date March 11 following.

That report is embodied in and forms the subject-matter, for the most part, of House Report No. 1144 (to accompany bill H. R. 1885), a copy of which I inclose for the information of the Senate committee as being most convenient for reference.

Since the introduction of the bill, but more especially since the rendition of my report, effort has been made, by those especially interested in having the lands to which the bill relates opened to white settlement, to show that the Sioux, and possibly the Assiniboines are, or rather were, by reason of occupancy, the real owners of the territory claimed by the Chippewas, and that the claim of the latter to ownership is therefore unwarranted and without foundation and should in nowise receive recognition.

As the origin of the Chippewa title to these lands is not a matter of record, not having been vested by statute or treaty provision, and as their claim is based wholly upon those natural rights which have ever been recognized as belonging to the Indians in respect of unceded territory, I have endeavored to determine, by careful examination of office records and correspondence, reports of explorations, military and civil, old maps, etc., the actual merits of the claim set up by the Chippewas to the lands in question, and at the same time whether either the Sioux or Assiniboines, as claimed, have any title to or interest in any portion of said lands.

Before proceeding to the consideration of the subject, however, I desire to say that it is not improbable that the suggestion in my report to the Department, dated February 14, to which reference has been made, that "if any of the Sioux tribe ever claimed this country all such claim was relinquished by the treaty of April 29, 1868," may have strengthened the opinion of those who are, very properly, interested in opening the lands in question to settlement, if indeed it did not suggest the idea that the Sioux were perhaps the more rightful claimants to the territory claimed by the Chippewas.

Were a claim established in favor of the Sioux all obstacles were removed, for, by the second article of the above-mentioned treaty, the Sioux relinquished all claims or right in and to any portion of the United States or Territories, except such as was embraced within the limits of a permanent reservation (established under said treaty) far removed from the lands now the subject of consideration.

If such is the case I would simply say that it was not my intention in making the statement referred to to convey the impression that the office acknowledges that as a fact the Sioux have at any time laid claim to the territory under discussion. Not at all. This office is in possession of no evidence showing that the Sioux ever laid claim to that part of the country. It must be remembered that the Sioux were for

years the most powerful and warlike tribe on the plains; that they waged inveterate and bloody warfare against many of their neighboring tribes, and that in their arrogance and power they did not hesitate to extend their claims to territory anywhere, as best suited their pride, inclination, or convenience.

With Indians, as with other people, it is one thing to claim and another thing to maintain or establish a claim.

Of all the wars waged by the Sioux none have been so protracted and bloody as those against the Chippewas. They were hereditary enemies. Their hunting grounds adjoined, and interminable war was the consequence. Had the various Sioux tribes at any time united against the Chippewas, undoubtedly, by great superiority of numbers, they might have gained a foothold in the Chippewa country from which they could not have been driven. But it appears the Sioux were never so united, and the Chippewas consequently held their ground, if they did not extend their territory.

The very language of the article of the treaty to which I have referred indicates, I think, that the Sioux were not accredited with having always been unpretentious in their claims to territory, to say the least. The language there used is not often employed in treaties. Generally it has been found that the claims of a tribe or nation could be determined and described by metes and bounds. Not so in the case of the Sioux, as the language of the treaty clearly indicates.

I have said this much in explanation of the statement above referred to.

Perhaps the most important evidence at hand touching the matter to which our attention is directed is to be found in the report of a commission appointed by the Secretary of the Interior under the provisions of the act of June 7, 1872 (17 Stats., p. 281), to investigate the title and interest of the Sisseton and Wahpeton bands of Sioux Indians to the lands mentioned in Article II of the treaty concluded with said Indians February 19, 1867.

By the terms of said treaty (Article II) the Sisseton and Wahpeton bands ceded to the United States the right to construct wagon roads, railroads, mail stations, etc., over and across the lands claimed by them, said lands so claimed being described as follows: Bounded on the south and east by the treaty line of 1851 and the Red River of the North to the mouth of Goose River; on the north by the Goose River and a line running from the source thereof by the most westerly point of Devils Lake to the Chiefs Bluff, at the head of James River; and on the west by the James River to the mouth of Mocosin River and thence to Kampeska Lake (designated on accompanying map by red lines).

Some doubt having arisen thereafter as to the right of said Indians to claim exclusive occupancy of all the territory thus described, the commission above referred to, consisting of Messrs. Moses N. Adams, William H. Forbes, and James Smith, Jr., was appointed to examine and report what title or interest the said Indians had to the lands mentioned in said article described above.

The commission assembled at Lake Traverse Agency on the 18th day of September, 1872, and made final report of their proceedings and investigations under date October 3 following. I quote the following from said report:

Upon consideration of the premises we find and report, as matters of fact, that the Sioux Indians, of which the Sisseton and Wahpeton bands form part, have claimed the country west of the Mississippi and southerly of Devils Lake, embracing the region described in Article II of said treaty [treaty of February 19, 1867], as belonging to them, while the Chippewa Indians have also, prior to the time of said treaty, set up a claim to a portion of the northern part of the same country.

The extent of the original claim of the Sioux Indians is embraced in a paper, presented by Wahnahtah, hereditary chief of the Sisseton and Cut Head bands of Yankton Sioux, which is as follows, to wit:

"We, Ojoupay (Sweet Corn, son of Ojoupay, second chief of the Sisseton and Yankton tribe of Dakotas) and Wahnahtah (He who Rushes On), son of Wahnahtah, first chief of the Sisseton and Yankton tribe of Dakotas, do hereby declare that we intend to abide by the articles of the treaty entered into by our fathers, represented by Chief Wahnahtah, with the Chippewas, represented by Chief Emay dashkah (Flat Mouth), at Prairie du Chien, about thirty-three years ago, by which treaty the boundary line dividing the lands of the two nations (the Chippewas and Dakotas) was established and agreed upon.

"We furthermore declare that it is within our recollection that after the above treaty was agreed upon the boundary line has ever been known by us and our people to have been as follows: Commencing at the mouth of the river Wahtab, then ascending its course and running through Wahtab Lake; from thence taking a westerly course and passing through the fork of Sauk River; thence running in a northerly direction through Ottetail Lake and striking the Red River at the mouth of

Buffalo River; then following the course of Red River down to the mouth of Goose River; then ascending the course of Goose River up to its source; then taking a due westerly course and passing through the center of Devils Lake; after leaving the lake, continuing its westerly course to Maison du Chien; from thence, taking a northwesterly direction, to its terminus at a point on the Missouri River within gunshot sound of Little Knife River." (Designated on map by green line.)

This paper is without date, but bears evidence of having been in possession of the Indians for a considerable period of time. It was probably drawn for them by some traders, and is shown, so far as their statements can be relied upon, to have been in possession of the chief for over 30 years.

It has, however, only been considered by us as tending to show their territorial claim at and before the time of making the treaty of February 19, 1867.

We find that these Indians (Sisseton and Wahpeton and other bands) occasionally hunted over the territory in question and claimed it as their hunting ground, and it is equally certain that the Chippewa Indians occasionally, in hunting and war parties, passed over the northern portion of it.

That in 1862 the bands of Sioux Indians, other than the Sisseton and Wahpeton bands, claiming a common interest in the territory in question, abandoned the country, so that in fact the Sisseton and Wahpeton bands and Cut Heads, represented by Wahnahtah, were the only bands within the country in question that maintained a tribal organization.

The nature and extent of the Indian title to lands occupied by them in what is known as the "Indian country," as well as the title of the United States to the same, is settled, it appears to us, by the action of the Government, legislation of Congress, and the adjudication of the courts.

The occupancy by the Indians is a legal occupancy, "the right to occupy the soil with a just claim to retain it and use it according to their discretion."

The hunting grounds of the Indian tribes are to be regarded as much in their possession as the cleared fields of the whites are to be regarded in theirs, the legal title being in the United States, with the exclusive right to purchase or extinguish the Indian title, such legal title being subject to the possessory rights or occupancy of the Indians. (*Johnston v. McIntosh*, 8 Wheaton, 543; *Worcester v. State of Georgia*, 6 Peters, 515; *Mitchell v. United States*, 6 Peters Rep., 711 to 745, inclusive; 3 Kent's Com., 461 to 483.) * * *

Upon the report of said commission, Congress, by act of June 22, 1874, in confirming the agreement entered into with the Sisseton and Wahpeton bands, virtually acknowledged and confirmed the claim of said Indians to the lands described in Article II aforesaid.

It appears, then, that the first and one of the most important duties that engaged the attention of the said commissioners was the determination of the boundary lines between the Sioux and Chippewa country.

In pursuing their investigations they found that the Sioux Indians had claimed and did claim the country southerly of Devils Lake, embracing the region described in Article II of the treaty of 1867; that the extent of their original claim did not cover any territory north of said lake, and that they had, by solemn treaty with the Chippewas, entered into more than forty years ago, so agreed and declared.

The subsequent actions of Congress in confirming the agreement made by and between the said commissioners and the Sisseton and Wahpeton bands must be considered as having forever settled the disputed boundary question between the Sioux and Chippewas.

Further, a treaty was concluded at Fort Laramie in 1851 between commissioners specially authorized by the President and the following tribes of Indians residing south of the Missouri River and east of the Rocky Mountains, viz, the Sioux or Dakotas, Cheyennes, Arapahoes, Crows, Assinaboines, Gros Ventres, Mandans, and Arickarees. By this treaty the aforesaid Indian nations agreed to recognize and acknowledge certain tracts of country (described in the treaty by metes and bounds) as their respective boundaries.

These national domains are indicated upon the accompanying map in blue, and it will be seen upon examination that none of the aforesaid tribes extended their claims to the region now claimed by the Chippewas.

It is true the Laramie treaty was never ratified by Congress, but it has nevertheless been frequently referred to in appropriations and other treaties. At least it serves to indicate that neither the Sioux or other tribes south of the Missouri claimed at that time lands between Devils Lake and the British possessions.

Upon the maps of the United States published by H. S. Tanner from 1832 to 1839, on which the Indians of the western country are noted, I find that the territory west of the Red River and north and northwest of Devils Lake is given to the Chip-

pewas, as well as their unquestioned locations east of said river. (See accompanying map.)

Dr. R. V. Hayden, in his Contributions to the Ethnography and Philology of the Indian tribes of the Missouri Valley, page 364, says:

"The country claimed by the Great Sioux or Dakota Nation prior to the organization of the Territories of Nebraska, Dakota, and Minnesota was very extensive. Commencing on the northeastern limit at Lac qui Parle an imaginary line would run in a northwest direction, taking in Lac du Diable (Devils Lake), thence inclining south by west, including Turtle Mountain and the head of Pembina River, would strike the Missouri at the mouth of Apple River below the Gros Ventres village. Crossing the Missouri it would proceed up the Grand River of the Arickarees (or even some distance west of this river), bearing west by south until reaching near the head of Powder River. From this point it would continue along the range of mountains called the Black Hills in a southern direction." * * *

The Territories above referred to—Nebraska, Dakota, and Minnesota—were organized in 1854, 1861, and 1849, respectively.

There is an evident incongruity of statement in the description given by Dr. Hayden in respect of the northern boundary of the Sioux claim. It is impossible that a line running "south by west" from Devils Lake could take in "Turtle Mountain and the head of Pembina River." This view of the case is corroborated by a statement of the author on page 381, where, treating of the Assiniboinés, he says:

"As has been stated, at the earliest date known they (the Assiniboinés) roved about the sources of the St. Peters and Des Moines rivers, Lac du Diable, Lac qui Parle, etc., and were then joined with the Dakotas proper, who inhabited and claimed all the land between the Mississippi and Missouri as low down as Big Sioux River, reaching to the source of James River, and stretching thence northward as far as Lac du Diable. (The Sioux claim as first stated is indicated on the map by brown lines; as secondly stated in yellow.)"

It will be readily seen that the two statements substantially agree as to the northern limit of the Sioux claim, if the confusing and inconsistent clause in the first be disregarded.

More than thirty years ago (September 20, 1851) Hon. Alexander Ramsey, on the part of the Government, concluded a treaty with the Red Lake and Pembina Chippewas for the cession of a tract of country about 120 miles in length by 65 miles in breadth, intersected near its center by the Red River of the North. The southern and western boundary of that part of the cession lying west of Red River was described as follows: "Up said (Goose) river to its most westwardly source, following the south branch thereof; thence northwardly in a direct line to strike a point on the international boundary line 5 miles west of the Grand Cote." (See broken blue line on accompanying map.)

Governor Ramsey found that there were at that time some 300 Chippewas living west of the ceded territory. In the official report of his negotiations he says, touching this subject:

"Not more than 300 Chippewas roam beyond the western boundary of the present cession, and it is thought it would not be difficult to induce them to unite with the rest of the tribe whenever it is concentrated in the manner proposed. (Treaty was never ratified by Congress.)"

This in 1851. Subsequently (in 1863), when the Red Lake and Pembina bands ceded to the Government the lands (colored yellow on map) in the valley of the Red River and as far west at least as the cession line of 1851, they retained for themselves a tract of country claimed by them, embracing some of the favorite pastures of the buffalo north and northwest of Devils Lake. (See my report February 14, herewith.) This is, I think, strong evidence in favor of the Chippewas.

Thus it would appear that the authorities substantially agree as regards the respective territorial claims of the Sioux and Chippewas.

It is not denied that the Sioux have in years past in their war and hunting expeditions penetrated the country west of Red River as far north as the British line, and even into the British possessions. They have frequently sought refuge beyond the boundary line when pursued by our troops; but that they have occupied the country north of Devils Lake in any sense that would warrant them in setting up a claim to ownership, or that they have ever pretended to claim any portion of said country, does not appear.

* * * * *

And now, as regards any interest that the Assiniboinés are alleged or thought to have in any portion of the lands claimed by the Chippewas, I have to say that from all the evidence at hand it would appear that the Assiniboinés claim no land east of the White Earth River.

Originally they were a part of the great Dakota or Sioux Nation, and resided upon the tributary streams of the Mississippi, as the head of the Des Moines, St. Peters, and other rivers. It appears that they separated from the Sioux more than a hundred years ago and emigrated to the country about the Saskatchewan and Assiniboine rivers. They have long kept up friendly intercourse with the Chippewas, and are more or less intermarried with them, hence no doubt the impression that prevails among some that they might possibly be able to set up a fair claim to a portion of the country claimed by the Chippewas.

There are several other distinct tribes or bands of Indians living immediately west of the country claimed by the Chippewas, as the Grosventres, Arickarees, and Mandans. They live in villages and have permanent abodes. In years past they have been at war with neighboring tribes, and it is said that in small parties they have at times extended their incursions as far east as Minnesota against the Chippewas. This was very many years ago, however.

They have depended largely, though not entirely, as in the case of other Indians in that section, upon the chase for their subsistence, and no doubt have roamed the country west and north of Devils Lake at will in pursuit of the buffalo, and perhaps even farther east, but I fail to find any evidence of their ever having laid claim to any part of the country.

In conclusion I would submit that it has always been understood and held that the lands lying west of the Chippewa cession of 1863 and north and northwest of the line of the Sisseton and Wapeton Indian country, as defined in Article II of the treaty with those Indians of February 19, 1867, have never been ceded to the United States.

Undoubtedly the original Indian title embraced this country, and it does not appear that it has ever been extinguished by treaty or otherwise.

The Government has from the beginning pursued a uniform course of extinguishing the Indian title, which is well settled to be the right of occupancy alone (except when a higher title has been vested by statute or treaty provision), yet with a just and perfect claim to remain in the possession and enjoyment of their lands until they choose to part with them.

Their rights have been restricted only in this, that they could not dispose of their lands by sale or otherwise except to the United States.

Of this unceded country the Pembina Band of Chippewas claim from the cession line of 1863 to a point somewhere west of the Turtle Mountains.

There appears to be some confusion as to the western limit of their claim.

In the memorial addressed to Congress in 1867 by the Turtle Mountain Band of Pembinas the western boundary of their claim is stated to be "northwest (from the head waters of the Cheyenne River) to the head waters of Little Knife River, a tributary of the Missouri River, and thence due north to the boundary between the United States and the British Possessions." (See my report of February 14, herewith. Broken red line on map.)

Governor Alexander Ramsey, in the report of his negotiations with the Chippewas in 1863, when the Red River country was ceded to the Government, remarks as follows (referring to the Pembina Band):

"Inquiries were made as to the boundaries of the country claimed by them. They claimed all the country north of the line described by Little Rock as the northern boundary of the Red Lake Indians, and extending west to Devils Lake, to the Missouri Coteau, and Mouse River.

"A more particular description of the country claimed by them is as follows:

"* * * Thence up the main channel of the Cheyenne River to a point about which they could not agree among themselves, to Dog House, a hill on the Missouri Coteau; thence north to the Mouse River; thence along Mouse River to the British boundary. * * * (Broken green line on map.)

"They proposed to reserve all the country west of a line running from the Poplar Grove to the head of Salt River and thence due north to the British boundary as a hunting ground."

If doubt remains as to the validity of the claim of the Chippewas to the exclusive occupancy of all the territory claimed by them, I would suggest that the bill under consideration might be so amended as to authorize the commissioners whose appointment is contemplated by the terms thereof to examine as to the title or interest of said Indians in said territory before entering into negotiations with them.

I inclose a copy of this report.

Very respectfully, your obedient servant,

H. PRICE, *Commissioner.*

The SECRETARY OF THE INTERIOR.

EXHIBIT No. 5.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,

Washington, September 21, 1891.

SIR: I have the honor to acknowledge the receipt, by your reference, for "consideration in connection with report of commissioners for Turtle Mountain Indians and report," of a communication of August 22, 1891, from J. B. Bottineau, attorney for the Turtle Mountain Band of Chippewa Indians, submitting a printed copy of a preamble and resolutions adopted by that band January 7, 1891, in which their claims and needs are set forth, and asking your assistance and counsel in deliberating upon the matters to which these resolutions relate, for the best interest of the Indians and the Government; also that he be furnished with a copy of the reports of the "Indian commissioners appointed to negotiate with the Turtle Mountain Chippewa Indians, of which Hon. A. H. Mahone was chairman, and with a copy of such papers as were filed by said Indians or any other person on their behalf, and that I may be allowed to examine all papers and other documents on file and of record relative to and pertaining to the business of said Indians which this office may deem necessary for me to know, and for my guidance and assistance in the premises."

The opening paragraph of the paper submitted by Mr. Bottineau sets forth that, "in the absence of the act of Congress authorizing the appointment of said board of United States commissioners, and without the knowledge as to what particular subject-matter, and the extent of the power to them given by said act of Congress to negotiate with us; whether for the extinguishment of our title to land, or for the removal therefrom. Whichsoever, we propose to remain here at home. Hence this preamble."

It then proceeds to set forth the claim of the Turtle Mountain Band to an interest in a section of country covering an area of about nine millions of acres, the original Indian title to which, it is alleged, is still outstanding in the Pembina bands of Chippewa Indians, referring to reports by the Commissioner of Indian Affairs to the Secretary of the Interior, and certain treaties as recognizing this claim. All the reports referred to are doubtless on file in one of the divisions of your office.

Referring to a statement in a report of May 23, 1878, from this office, on the rights of the Pembina bands of Chippewas in the country claimed by them, that "the only treaty, provision, or other data conflicting with the claims of the Pembina bands to any portion of the territory named is to be found in the treaty of February 19, 1867" (15 Stats., 505), with the Sisseton and Wahpeton bands of Sioux, who ceded to the United States certain rights of way over lands embraced within the same, attention is called, in the paper submitted by Mr. Bottineau, to the preamble to the agreement of September 20, 1872 (Revis. Ind. Trs., 1051; see also p. 328), with the Sisseton and Wahpeton bands of Sioux, in the preamble to which it is stated, in the treaty of 1867 above referred to, that these bands of "Indians ceded to the United States certain privileges and rights supposed to belong to said bands in the territory described in article two (2) of said treaty," and it is claimed that the phraseology here used casts a suspicion upon the title of the Sioux to this country.

On pages three and four of the resolution of the Turtle Mountain Indians, at the conclusion of references to reports by this office and treaties bearing on their claim, it is stated that, attracted by the adaptability of the country in "northwestern Dakota" to wheat and stock raising, large numbers of immigrants have in the last ten years entered that country and extended their settlements to and upon the lands claimed by them; that at great trouble and expense, both to the Government and the Indians, several delegations have been sent, and repeated appeals and petitions made to the United States, but "nothing has resulted toward a settlement of our claims, and the whites are still invading our country;" that they have suffered greatly for a number of years from the effects of starvation and nakedness while endeavoring to preserve and maintain their right to the lands and country upon which they have lived for many generations past, and wherein a great many of their people are now resting in their graves; that they have endured this suffering without disturbing or molesting their white friends, notwithstanding encroachments upon and usurpation of their rights by the whites have continued; that they are a peacefully disposed people and have lived and died in the hope that the day of betterment was soon coming, and without avail; that they do not believe in dancing, and feasting on settlers' cattle, and shall always live in peace with the whites, "but we have resolved to live and die here at our old home, the Turtle Mountain country, and we demand the recognition and final settlement for our lands, and that we be provided with a reservation therefrom without further or any unnecessary delay."

"We also demand immediate relief by way of subsistence and clothing, pending the final settlement and the extinguishment of our title to these lands."

In view of the allegations that white people are constantly taking up lands within the territory claimed by the Indians; encroaching upon the claims taken thereon by members of the band, and destroying the timber growing upon lands within the country, the Turtle Mountain Band demands that an Executive order be at once issued withdrawing a portion of those lands from market and settlement, suspending all entries therein, and stopping the further destruction of the timber, and that the same be and remain Indian lands to our use, for the purpose aforesaid, bounded as follows, to wit:

"Commencing on the national boundary line between the United States and the British Possessions at the intersection of the north and south line between townships Nos. 69 and 70 west of the 5th prin. mer.; thence due south from said national boundary on said township line to the line of the 15th standard parallel next south of said boundary; thence due west on the line of said standard parallel to the southwest corner of township No. 161, of range 75, west of 5th prin. mer.; thence due north on said township line to said national boundary; thence east on said national boundary line to place of beginning."

In the concluding portion of the paper Mr. Bottineau, a member of the band, is stated to be appointed the attorney in fact for it to prosecute the claims of these Indians.

The principal features of the paper for consideration are:

First. The alleged determination of the Indians to remain in the Turtle Mountain country, which they seem to regard as their ancestral home;

Second. Their claim to a large section of country under the original Indian title;

Third. Their demand for a settlement of this claim, and for relief in the way of subsistence and clothing pending such settlement; and

Fourth. That an extensive reservation be set apart out of the country claimed for their use and occupancy by an Executive order.

* * * * *

As to the desired extension of the reservation at Turtle Mountain, I have to say that it is more than probable many settlements, and possibly entries, have been made by whites upon the lands desired by the Indians, whose prior rights therein would be entitled to consideration. Besides this, much trouble has been experienced by the Government in giving relief to and in administering the affairs of these Indians on account of their proximity to the international boundary and their close relationship to Indians belonging across the line within the British Possessions. For these reasons it has been almost impossible to determine with any degree of certainty the exact number of Indians who are members of the band and entitled to the protection of our Government. This difficulty was experienced by the late "Turtle Mountain Commission" in taking the census of the band, and in its report it was fully set forth. The expressions of the commissioners on this subject will be found quoted at page 11 in the report of this office, in which the report of said commissioners was discussed, and which is now on file in your office. In addition to these objections to giving the Indians the reservation in Dakota that they ask for, I am of the opinion that the people in that vicinity, especially those occupying the country asked for, would be so opposed to it that it would be difficult for the Government to prevent conflicts between them and the whites.

* * * * *

In 1882 the Secretary of the Interior, Mr. Teller, considered the claim of the Turtle Mountain Indians to the tract of country now claimed by them, and in a letter of October 4, 1882, to the Commissioner of the General Land Office, directing the extension of the public surveys over the region covered by this claim, expressed his views as to its status as follows:

"I am of the opinion that the claim is not well founded, yet if it should appear on careful examination of the facts that such a claim does exist it will be the duty of the Government to make proper compensation to the Indians. I do not think nearly 10,000,000 acres of valuable land, on which a great number of settlers are now located, * * * should be withheld from the operation of the homestead and pre-emption law because a question has been raised whether the small band of Indians (not exceeding three hundred) have a claim on this land or not. It is not contended by anyone that the Government has recognized this claim of the Indians by treaty with them, and the Indians make no use of the land except to roam over it, not cultivating, I think, any of it."

Subsequently, on January 28, 1886, the Commissioner of the General Land Office suspended all contracts for surveys of lands in this region, alleging as the reason therefor the "present status of the Indian claims to said lands, added to the presumption that the whole question will be submitted to Congress for requisite legislation as to the regular extinguishment of the Indian title, and their proper compensation therefor."

From this suspension one of the contractors appealed to the Department, and the report of the Commissioner of the General Land Office of April 26, 1886, thereon, together with other reports on the subject from him, was referred to this office for an expression of opinion as to the title of the Indians to the lands involved.

Upon these papers this office submitted a report February 17, 1887, in which the opinion was expressed that the claim of these Indians, if they have any, can only finally be adjudicated and determined by the legislative branch of the Government, and that it should not be considered by the Executive as a bar to the further settlement and development of the country to which it extended; and it was submitted for the consideration of the Department "whether it would not be best to remove all restriction as to the settlement of this country by resuming survey and permitting entry, leaving the claim of the Indians to be finally settled by Congress."

Upon this report Acting Secretary Muldrow, without determining whether or not the claim of the Indians was well founded, directed, in a letter of April 4, 1887, to the Commissioner of the General Land Office, that the surveys authorized by Secretary Teller in 1882 be continued.

The Department rulings, so far as they have given any expression upon the merits of the claim of these Indians to any valid title to the lands referred to, have been adverse thereto, though I do not know that any formal and final decision on the question has ever been made.

Under a provision of the Indian appropriation act of August 19, 1889 (26 Stats., p. 354), a commission of three persons was appointed with a view to negotiating with these Indians for a cession by them of whatever right or interest they may have in and to any and all land in North Dakota; for their removal to and settlement upon the White Earth Reservation, or other lands reserved for the Chippewas of Minnesota, and for obtaining the consent of the Minnesota Chippewas thereto.

The report of this commission, which is dated February 9, 1891, was discussed in office report of May 18, 1891, which is now on file in the Department. None of the objects for which the commission was established were accomplished by it, and for this reason it was suggested that "it might be well to allow the agent at Devils Lake Agency, who has charge of the Turtle Mountain Indians, to obtain from said Indians and submit to this office any propositions they may desire to make in regard to their affairs," and that if "you concur in this suggestion I will prepare a letter to the agent instructing him in accordance therewith and submit the same for your approval."

In your letter of May 25, 1891, to this office on the subject you directed that the agent be instructed accordingly, and by letter of May 29, 1891 (copy inclosed), he was so instructed. No reply from the agent to this letter has as yet been received.

As stated in Mr. Teller's letter of October 4, 1882, to the General Land Office, above referred to, the United States has never recognized the claim of the Turtle Mountain Indians to the country claimed in any treaty with them, and they have no funds out of which the Government can provide for their support and civilization. Whatever moneys, therefore, that may have been or may be expended for their benefit by the Government must be purely gratuitous and dependent entirely upon the will of Congress.

The following sums have been appropriated for the support and civilization of these Indians since 1884:

For the fiscal year 1884, nine thousand dollars; 1885, five thousand dollars; 1886, five thousand dollars; 1887, seven thousand dollars; 1888, seven thousand dollars; 1889, seven thousand dollars; 1890, thirteen thousand dollars; 1891, thirteen thousand dollars; and for the current fiscal year, thirteen thousand dollars, making in all appropriated for nine years a total sum of seventy-four thousand dollars. Of this sum there has been expended for the support and civilization of the Turtle Mountain Indians during the fiscal years 1884 to 1891, both inclusive, the sum of sixty-two thousand four hundred and fifty-seven (\$62,457.50) dollars and fifty cents, as follows: For 1884, \$8,885.71; 1885, \$4,975.10; 1886, \$4,618.35; 1887, \$5,930.66; 1888, \$6,975.10; 1889, \$6,965; 1890, \$11,994.50, and 1891, \$12,013.08.

Besides the sums appropriated and expended by the Government for the support and civilization of these Indians as above set forth, there have been expended from appropriations for relief of destitute Indians, in furnishing relief to the Turtle Mountain Indians in the past five years, the total sum of eleven thousand dollars. Of this sum three thousand dollars was paid out in 1886, three thousand dollars in 1888, and five thousand dollars in 1889, and in 1890 two thousand were diverted from appropriation for support of Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas to furnish subsistence for these Indians.

In all, the Government has used for the benefit of these Indians since 1884, up to and including the fiscal year of 1891, seventy-five thousand four hundred and fifty-seven (\$75,457.50) dollars and fifty cents.

Inasmuch, therefore, as these Indians have no moneys of their own, and appear

to be unable to earn sufficient upon which to subsist, and the Government is called upon to furnish money gratuitously for their support each year, I submit that, whether or not their claim to lands in Dakota is well founded, it might be well to negotiate with them and secure a relinquishment of all their claims, paying therefor an annual sum sufficient for their support and civilization during a term of, say, ten years. I think that the Indians would agree to give up their claim if the Government would agree to pay them what shall be found to be a fair and reasonable sum therefor. The claim is of such doubtful and uncertain nature that I do not look upon it as having any great value. I do not think that they should be offered any large sum for a full and final relinquishment of the claim they set up. Whether there be justice in the claim or no, the Indians have grown to believe that it is just, and I am inclined to believe that a reasonable consideration therefor, stipulated for expenditure in annual installments for their benefit, would be not only a good business solution of the question, inasmuch as the Government appropriates money annually for their support, but would satisfy what they have been led to believe is a just claim for the land.

I would consider \$150,000 to \$200,000, in addition to what has heretofore been expended for their benefit, a fair and reasonable basis of adjustment of this matter, the expenditure thereof to be made in annual installments for the benefit of the Indians belonging to the Turtle Mountain Reservation.

Of the appropriation made by act of August 19, 1889, providing for negotiations with these Indians, there remains on the books of this office a balance of \$800.

Mr. Bottineau's letter, together with a communication from Little Shell, and the newspaper referred to herein, are herewith inclosed, with request that they be returned to the files of this office when they are no longer needed by the Department.

Very respectfully, your obedient servant,

R. V. BELT, *Acting Commissioner.*

The SECRETARY OF THE INTERIOR.

EXHIBIT No. 6.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 6, 1893.

SIR: I have the honor to acknowledge the receipt, by your reference for consideration and report, of the report of the Turtle Mountain Indian Commission, dated December 3, 1892, submitting an agreement made by the commission with the Turtle Mountain Band of Chippewa Indians October 22, 1892.

The commission was appointed under the following provision of the Indian appropriation act approved July 13, 1892 (27 Stats., 139):

"That the President of the United States is hereby authorized to appoint a commission, to consist of three persons familiar with Indian affairs, not more than two of whom shall be of the same political party, who shall negotiate with the Turtle Mountain Band of Chippewa Indians in North Dakota for the cession and relinquishment to the United States of whatever right or interest they may have in and to any and all land in said State to which they claim title, and for their removal to and settlement upon lands to be hereafter selected and determined upon by the Secretary of the Interior upon the recommendation of the proposed commissioners, subject to the approval of Congress. Said commissioners shall also report to the Secretary of the Interior the number of the said Chippewa Indians and the number of mixed bloods, if any, who are entitled to consideration by the United States Government; and the sum of six thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of defraying the expense of the proposed negotiations."

* * * * *

In their report transmitting the foregoing agreement the commissioners comment upon the fact that the agreement secured does not exactly meet the object for which the commission was created.

The law contemplates the release of claim to all lands in North Dakota and the removal of the Indians to some other place; but they had to accept this or nothing.

In support of the agreement the commissioners state they deem it but just to say that, after an examination of the whole matter and comparisons with other treaties, a less liberal agreement would be unjust to the Indians; that every effort in the power of the commissioners was exercised to secure the relinquishment of the two townships upon which the Indians are now located to the Government; that it was also urged upon the band to accept a provision that the lands in the two townships should be taken in severalty, but this was so objectionable to the Indians that to have inserted

or retained it in the agreement would have defeated it; that they at least consented to the third article of the treaty, which the commissioners believe will, long before the expiration of the twenty years, result in the whole of the two townships being taken in severalty.

The commissioners further state that the question of consideration to be paid for the relinquishment of the Indian claims to all land in North Dakota is deserving of more extended consideration. The commissioners then proceed to review at length (pp. 16, 17) the validity of the claim as derived from the several treaties cited by them, and conclude that, as nearly as they can ascertain, the Indian title to a tract of land of between 8,000,000 and 10,000,000 acres lying north and west of Devils Lake has never been ceded to the Government, is claimed by the Chippewas, and their right to it is recognized by neighboring tribes. The commission is therefore forced to report that the Turtle Mountain Band of Chippewa Indians have as valid an original Indian title to the entire tract of land as any Indian tribe ever had to any tract.

In support of their claim that the amount agreed upon is but a meager sum as compared with what the Government has paid for the relinquishment of the Indian title to other tracts, the Indians argue that the Government is, in fact, paying but 10 cents an acre for land, a large portion of which is classed among the best agricultural land in the State, while the Government has recently contracted to pay other Indians for similar lands in Dakota the sum of \$2.50 per acre (instancing the Fort Totten (?) and Sisseton and Wahpeton bands of Sioux).

The Indians complained much of the treatment that they, a friendly band, had received from the hands of the Government, as compared with the treatment received by tribes concerned in the Minnesota massacre of 1862; they challenged the commission to show that they had ever ceded the lands they claim, and asked the Government to deal rightly with them. They argue that the Government has not taken the land of other Indians, even its worst enemies, without securing the Indian title, and ask what right the Government has to reduce them to two townships.

They state that the Government, powerful as it is, should be ashamed to take the land from them, who are powerless to protect it, save as they appeal to the integrity of the Government; that every time the Sioux tribes have risen against the Government and killed white settlers the Government has gone down in its pockets, increased their provisions and paid them well for their lands, while it is sought to drive them (the Turtle Mountain Band) from their homes.

After completing the census, the next step of the commission, in accordance with instructions, was to go to Fort Berthold and endeavor to locate the Turtle Mountain Band on that reservation. The commission states that they found the soil and country about Fort Berthold far inferior to that of the Turtle Mountains; that the Indians at Fort Berthold claimed that they needed all their lands for their children; that having just ceded 1,600,000 acres they were surprised that the Government should so soon ask for more; that when they made the contract with the last commission ceding this land that commission told them that they would need the balance of their lands and advised them to sell no more; that when they made this contract the three tribes entered into a mutual agreement to sell no more of their land for fifteen years; they therefore refused to sell any more of their lands or to receive their neighbors, the Turtle Mountain Band.

In this matter of removing the Indians to some other place they reiterated their claim for a reservation, where they are now located, 30 miles square, plead their love for their ancestral home, some declaring that they would never leave it, and if it was God's will that they and their children should perish by hunger, they would die in the country the Great Spirit had given them. They would rather accept a very small farm for the head of the family and remain where they are than take liberal allotments for themselves and their children elsewhere.

The commissioners recommend that a committee be provided for on the part of the Government, to act with one on the part of the Indians, for the purpose of selecting a proper place for such members of the band as may desire allotments; also, that the aged and feeble, in lieu of their allotments, may receive in money the value thereof, at Government prices for land, to be used for their support, under the direction of the Indian Department.

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The total area of the reservation is 46,080 acres, of which the commissioners state about 13,000 acres are fitted for agricultural purposes, the balance being woodland, interspersed with small lakes. The number of Indians entitled to the benefits of the agreement, as found by the commission, is 1,759.

Upon a review of the work of this commission it will be observed that it has failed to accomplish one of the principal objects of its mission, viz, the removal of

the Indians from their present reservation of two townships in North Dakota. This is the second failure of the Government to secure the consent of the Indians to such removal, and the spirit and determination manifested by them to remain where they are makes it evident that further negotiations with them for this purpose would be entirely useless, at least for the present. And the reasons advanced by them for wishing to stay where they are and the appeals made by them in support of their reasons disincline me to recommend their removal without their consent, even if it could be effectually done without trouble.

It is stipulated by the agreement that the Government is to pay the Indians \$1,000,000 for the relinquishment of their long-pending and persistent claim to about 9,000,000 acres of land in North Dakota. Whether the said sum is considered reasonable or excessive depends to a great extent upon the view taken of the validity of the Indian claim. The history and validity of this claim is so fully set forth and discussed in House Report No. 1144, Forty-seventh Congress, first session, and in a letter from this office to the Department dated June 7, 1882 (copy herewith), that I deem it unnecessary to discuss it here further than to state that its validity has been generally recognized by this office.

* * * * *

It will be observed that I make no provision in said draft of bill for having the agreement sent back to the Indians for their acceptance of this modification. Such action would cause considerable trouble and delay, and I do not consider it necessary, because of the following reasons, viz: That the modification is immaterial; that the land in question is within the tract ceded by the treaty of 1863 with the Red Lake and Pembina bands of Chippewas, and not within the tract to which the Turtle Mountain Band now relinquishes claim; that the matter can therefore be of little, if any, consequence to the Turtle Mountain Indians as a band, and that if the "Red Bear" intended to be benefited by the agreement is the only heir, as alleged, he will receive the full benefit intended to be conferred; if not, he will be justly required to share it with whomsoever may be entitled.

Copies of the several papers for transmission to Congress are herewith inclosed.

Very respectfully, your obedient servant,

T. J. MORGAN, *Commissioner.*

THE SECRETARY OF THE INTERIOR.

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